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LEGISLATIVE HISTORY
Public Law 91-646
S.1

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Index and Summary of S.1

Jan. 15, 1969 Sen. Muskie and Others introduced and Sen. Muskie discussed S.1 which was referred to Senate Govt. Operations Committee. Print of bill as introduced.

Apr. 16, 1969 Sub committee approved S.1 for full committee consideration.

Sept. 23, 1969 Senate Committee voted to report S.1

Oct. 21, 1969 Senate Committee reported S.1 with amendments. S. Rept. 91-488. Print of bill and report.

Oct. 23, 1969 Senate began debate on S.1

Oct. 27, 1969 Senate passed S.1 as reported.

Oct. 28, 1969 S.1 was referred to House Public Works Committee. Print of bill as referred.

Nov. 19, 1970 House committee voted to report S.1

Dec. 2, 1970 House committee reported S.1 with amendment. H. report 91-1656. Print of bill and report.

Dec. 7, 1970 House passed S.1 under suspension of Rules.

Dec. 17, 1970 Senate agreed to House amendment with an amendment.

Dec. 18, 1970 House agreed to Senate amendment to the House amendment.

Jan. 2, 1971 Approved: Public Law 91-646

S. 1

IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 10), 1969

Mr. MUSKIE (for himself, Mr. ANDERSON, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BROOKE, Mr. CHURCH, Mr. COOPER, Mr. CURTIS, Mr. DODD, Mr. FULBRIGHT, Mr. HART, Mr. HATFIELD, Mr. INOUE, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOKA, Mr. MOSS, Mr. MUNDT, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. SPARKMAN, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Government Operations

A BILL

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitably land acquisition policies for Federal and federally assisted programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Uniform Relocation As-
4 sistance and Land Acquisition Policies Act of 1969".

1 TITLE I—DEFINITIONS

2 As used in this Act—

3 FEDERAL AGENCY

4 SEC. 101. The term “Federal agency” means any de-
5 partment, agency, or instrumentality in the executive branch
6 of the Government, any wholly owned Government corpora-
7 tion (except the District of Columbia Redevelopment Land
8 Agency), and the Architect of the Capitol.

9 STATE

10 SEC. 102. The term “State” means any of the several
11 States of the United States, the District of Columbia, the
12 Commonwealth of Puerto Rico, any territory or possession
13 of the United States, and any political subdivision thereof.

14 STATE AGENCY

15 SEC. 103. The term “State agency” means the District
16 of Columbia Redevelopment Land Agency and any public
17 body, agency, or instrumentality of a State or of a political
18 subdivision of a State, or any public agency or instru-
19 mentality of two or more States or of two or more political
20 subdivisions of a State or States.

21 HEAD OF AGENCY

22 SEC. 104. The term “head of a Federal agency” or
23 “head of a State agency” includes a duly designated dele-
24 gate of such agency head.

1

DISPLACED PERSON

2

SEC. 105. The term "displaced person" means—

3

(1) any person who is the owner of a business

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which moves from real property or is discontinued on

5

or after the effective date of this Act as a result of the

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acquisition or reasonable expectation of acquisition of

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such real property, in whole or in part, by a Federal

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or State agency;

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(2) any person who is the operator of a farm

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operation which moves from real property or is discon-

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tinued on or after the effective date of this Act as a re-

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sult of the acquisition or reasonable expectation of acqui-

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sition of such real property, in whole or in part, by a

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Federal or State agency;

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(3) any individual who is the head of a family

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which moves from real property occupied as a dwelling

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on or after the effective date of this Act, as a result of

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the acquisition or reasonable expectation of acquisition

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of such real property, in whole or in part, by a Federal

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or State agency, or which moves from such dwelling as a

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result of the acquisition or reasonable expectation of

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acquisition by such Federal or State agency of other real

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property on which such family conducts a business or

24

farm operation;

1 (4) any individual, not a member of a family, who
2 moves from real property occupied as a dwelling on or
3 after the effective date of this Act, as a result of the
4 acquisition or reasonable expectation of acquisition of
5 such real property, in whole or in part, by a Federal or
6 State agency, or who moves from such dwelling as a
7 result of the acquisition or reasonable expectation of
8 acquisition by such Federal or State agency or other real
9 property on which such individual conducts a business
10 or farm operation; or

11 (5) any person, not described in paragraph (1),
12 (2), (3), or (4) of this section, who moves his per-
13 sonal property from real property on or after the effec-
14 tive date of this Act as a result of the acquisition or
15 reasonable expectation of acquisition of such real prop-
16 erty, in whole or in part, by a Federal or State agency.
17 Under this paragraph, the term "displaced person" shall
18 not include the owner of personal property on the
19 premises of another under a lease or licensing arrange-
20 ment where such owner is required pursuant to such
21 lease or license to move such property at his own
22 expense.

23

BUSINESS

24

SEC. 106. The term "business" means any lawful
25 activity conducted primarily (1) for the purchase and resale

1 of products, commodities, or any other personal property;
2 (2) for the manufacture, processing, or marketing of any
3 such property; (3) for the cultivation, processing, and mar-
4 keting of timber; or (4) for the sale of services to the public.
5 Such term does not include the activity of an investor in
6 acquiring or holding real property for resale for gain.

7 FARM OPERATION

8 SEC. 107. The term "farm operation" means any ac-
9 tivity conducted solely or primarily for the production for
10 sale or for home use, of one or more agricultural products
11 or commodities other than timber, and customarily produc-
12 ing such products or commodities in sufficient quantity to
13 be capable of contributing materially to the operator's
14 support.

15 FARM OPERATOR

16 SEC. 108. The term "farm operator" means any owner,
17 part owner, tenant, or sharecropper who operates a farm.

18 FAMILY

19 SEC. 109. The term "family" means two or more indi-
20 viduals living together in the same dwelling unit who are
21 related to each other by blood, marriage, adoption, or
22 guardianship.

23 DISPLACED

24 SEC. 110. The term "displaced", when used in relation
25 to any person, means any person moved or to be moved from

1 real property on or after the effective date of this Act as a
2 result of the acquisition or reasonable expectation of acqui-
3 sition of such property for a public improvement constructed
4 or developed by or with funds provided in whole or in part
5 by the Federal Government.

6 OWNER AND PERSON

7 SEC. 111. The terms "owner" and "person" include any
8 individual, or any partnership, corporation, or association,
9 whether organized for profit or not for profit.

10 REAL PROPERTY

11 SEC. 112. The term "real property" as used in this Act
12 shall include land, and any interest in land, including but not
13 limited to easements, rights-of-way, water rights, and mineral
14 interests.

15 TITLE II—UNIFORM RELOCATION ASSISTANCE

16 DECLARATION OF POLICY

17 SEC. 201. The purpose of this title is to establish a
18 uniform policy for the fair and equitable treatment of owners,
19 tenants, and other persons displaced by the acquisition
20 of real property in Federal and federally assisted programs
21 to the end that such persons shall not suffer disproportionate
22 injuries as a result of programs designed for the benefit of
23 the public as a whole. Such a policy shall be as uniform as
24 practicable as to (1) relocation payments, (2) advisory
25 assistance, (3) assurance of availability of standard hous-

ing, and (4) Federal reimbursement for relocation payments under federally assisted programs.

PART A—FEDERAL PROGRAMS

RELOCATION PAYMENTS

SEC. 211. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 241 of this Act.

(b) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

(1) a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$200; and

(2) a dislocation allowance of \$100.

(c) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues his business provided the average annual net earnings of the business are less than \$10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the business or \$5,000, whichever is the lesser. In the case of a displaced person who is sixty-two years of age or over,

1 this payment shall be increased by an amount equal to twice
2 the average annual net earnings of the business or \$5,000,
3 whichever is the lesser.

4 (2) No payment shall be made under this subsection
5 unless the head of the Federal agency is satisfied that the
6 business—

7 (A) cannot be relocated without a substantial loss
8 of its existing patronage; and

9 (B) is not part of a commercial enterprise having
10 at least one other establishment, not being acquired,
11 which is engaged in the same or similar business.

12 (3) For purposes of this subsection, the term “average
13 annual net earnings” means one-half of any net earnings of
14 the business, before Federal, State, and local income taxes,
15 during the two taxable years immediately preceding the tax-
16 able year in which such business moves from the real prop-
17 erty acquired, and includes any compensation paid by the
18 business to the owner, his spouse, or his dependents during
19 such two-year period.

20 (d) (1) In addition to amounts otherwise authorized
21 by this section, the head of the Federal agency shall make
22 a payment in the amount of \$1,000 to any displaced person
23 who moves or discontinues a farm operation, provided the
24 average annual net earnings of the farm operation are less
25 than \$10,000 a year.

1 (2) In the case where the entire farm operation is not
2 acquired by such Federal agency, the payment author-
3 ized by this subsection shall be made only if the head of
4 such agency determines that the property not acquired
5 is no longer a viable economic unit.

6 (3) For purposes of this subsection, the term “average
7 annual net earnings” means one-half of any net earnings
8 of the farm operation, before Federal, State, and local in-
9 come taxes, during the two taxable years immediately pre-
10 ceding the taxable year in which such farm operation moves
11 from the real property acquired, and includes any com-
12 pensation paid by the farm operation to the owner, his
13 spouse, or his dependents during such two-year period.

14 (e) (1) In addition to amounts otherwise authorized by
15 this section, the head of the Federal agency shall make a
16 payment to the owner of real property which is improved
17 by a single-, two-, or three-family dwelling actually owned
18 and occupied by the owner for not less than one year prior
19 to the initiation of negotiations for the acquisition of such
20 property. Such payment, not to exceed \$5,000, shall be the
21 amount, if any, which, when added to the acquisition pay-
22 ment, equals the average price required for a decent, safe,
23 and sanitary dwelling of modest standards adequate to ac-
24 commodate the displaced owner, reasonably accessible to

1 public services and places of employment. Such payment
2 shall be made only to a displaced owner who purchases and
3 occupies another dwelling within one year after the date on
4 which he is required to move from the dwelling acquired
5 for the project.

6 (2) The Secretary of Housing and Urban Develop-
7 ment shall determine the prices prevailing in the locality
8 for dwellings meeting the requirements of paragraph (1) of
9 this subsection for all agencies making such payments.

10 (f) (1) In addition to amounts otherwise authorized
11 by this section, the head of the Federal agency shall make
12 a payment to any individual or family displaced from a
13 dwelling and not eligible to receive a payment under sub-
14 section (e) (1) of this section, provided such dwelling was
15 actually and lawfully occupied by such individual or family
16 for not less than ninety days prior to the initiation of nego-
17 tiations for acquisition of such property. The additional
18 payment, not to exceed \$1,500, shall be an amount which,
19 when added to 20 per centum of the income of the dis-
20 placed individual or family during the two-year period
21 immediately preceding displacement, equals the average
22 rental required for a two-year period for a decent, safe, and
23 sanitary dwelling of modest standards adequate in the size
24 to accommodate the displaced individual or family in areas
25 not generally less desirable in regard to public utilities and

1 public and commercial facilities. Such payment shall be
2 made only to an individual or family who is unable to secure
3 a dwelling in a low-rent housing project assisted under the
4 United States Housing Act of 1937, or under a State or
5 local program found by the Secretary of Housing and Urban
6 Development to have the same general purposes as the
7 Federal program under such Act, or a dwelling unit assisted
8 under section 101 of the Housing and Urban Development
9 Act of 1965.

10 (2) The Secretary of Housing and Urban Development
11 shall determine the amount of assistance under this sub-
12 section according to family size, family or individual income,
13 average rents required, or similar consideration for all agen-
14 cies making such payments.

15 (g) No payment received under this section shall be
16 considered as income for the purposes of the Internal
17 Revenue Code of 1954, or for the purpose of determining
18 the eligibility or the extent of eligibility of any person for
19 assistance under the Social Security Act or any other Fed-
20 eral law.

21 RELOCATION ASSISTANCE PROGRAMS

22 SEC. 212. (a) If the head of any Federal agency
23 acquires real property for public use in a State, he shall
24 provide a relocation assistance program for displaced persons

1 which shall offer the services described in subsection (c)
2 of this section. If the head of such agency determines that
3 persons occupying property immediately adjacent to the real
4 property acquired are caused substantial economic injury
5 because of the acquisition of real property for public use,
6 he may offer such persons relocation services under such
7 program.

8 (b) Federal agencies administering programs which
9 may be of assistance to displaced persons covered by this
10 Act shall cooperate to the maximum extent feasible with the
11 Federal or State agency causing the displacement to assure
12 that such displaced persons receive the maximum assistance
13 available to them.

14 (c) Each relocation assistance program required by sub-
15 section (a) of this section shall include, to the maximum
16 extent practicable, such measures, facilities, or services as
17 may be necessary or appropriate in order—

18 (1) to determine the needs, if any, of displaced
19 families, individuals, business concerns, and farm opera-
20 tors for relocation assistance;

21 (2) to assure that, within a reasonable period of
22 time, prior to displacement there will be available in

1 areas not generally less desirable in regard to public
2 utilities and public and commercial facilities and at rents
3 or prices within the financial means of the families and in-
4 dividuals displaced, decent, safe, and sanitary dwellings,
5 equal in number to the number of, and available to, such
6 displaced families and individuals and reasonably acces-
7 sible to their places of employment except that the
8 President may prescribe by regulation situations when
9 such assurances may be waived;

10 (3) to assist owners of displaced businesses and
11 displaced farm operators in obtaining and becoming
12 established in suitable locations;

13 (4) to supply information concerning the Federal
14 Housing Administration home acquisition program of
15 the National Housing Act, the small business disaster
16 loan program under section 7 (b) (3) of the Small
17 Business Act, and other State or Federal programs
18 offering assistance to displaced persons.

19 (5) to assist in minimizing hardships to displaced
20 persons in adjusting to relocation; and

21 (6) to assure, to the greatest extent practicable,
22 the coordination of relocation activities with other proj-

1 ect activities and other planned or proposed govern-
2 mental actions in the community or nearby areas which
3 may affect the carrying out of the relocation program.

4 STATES FURNISHING REAL PROPERTY INCIDENT TO
5 FEDERAL ASSISTANCE

6 SEC. 213. Whenever real property is acquired by a State
7 agency and furnished as a required contribution incident to a
8 Federal project to improve a locality, the Federal agency
9 may not accept such property unless the acquiring State
10 agency has made relocation payments, provided relocation
11 assistance, and provided assurance of availability of housing
12 as required in the case of acquisitions of real property by a
13 Federal agency. The State agency shall bear the costs of
14 relocation payments and assistance as a part of the real prop-
15 erty acquisition cost, except that the Federal agency having
16 authority over the project shall contribute the first \$25,000
17 of the cost of providing such payments and assistance to any
18 person displaced prior to July 1, 1972.

19 FUND AVAILABILITY

20 SEC. 214. Funds appropriated or otherwise available to
21 any Federal agency for the acquisition of real property or
22 any interest therein shall be available also for obligation and
23 expenditure to carry out the provisions of this title.

1 PART B—FEDERALLY ASSISTED PROGRAMS

2 RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE

3 OF AVAILABILITY OF HOUSING

4 SEC. 231. (a) Notwithstanding any other provision of
5 law, on and after the effective date of this section, no grant
6 to, or contract or agreement with a State agency, under
7 which Federal financial assistance will be available to pay
8 all or part of the cost of (1) the acquisition of real property,
9 (2) a public improvement for which real property is to be
10 acquired, or (3) a program which will otherwise result in
11 the displacement of persons may be approved by the head of
12 the Federal agency responsible for the administration of
13 such Federal financial assistance unless such State agency
14 has entered into an agreement with the head of such Fed-
15 eral agency to provide to displaced persons for moves from
16 such real property—

17 (1) fair and reasonable relocation payments in
18 the same amounts and under the same terms and con-
19 ditions as are required to be made by a Federal agency
20 by section 211 (a) of this title and in accordance with
21 regulations established by the President under section
22 241 of this title;

23 (2) relocation payments in the same amounts and

1 under the same terms and conditions as are required to
2 be made by a Federal agency by sections 211 (b), (c),
3 and (d) (2) of this title;

4 (3) relocation assistance programs offering the serv-
5 ices described in section 212 (c) of this title;

6 (4) a feasible method for the temporary relocation
7 of families and individuals displaced from the property
8 acquired, and assurance that within a reasonable period
9 of time prior to displacement, there will be available, to
10 the extent that can reasonably be accomplished, in areas
11 not generally less desirable in regard to public utilities
12 and public and commercial facilities and at rents or prices
13 within the financial means of the families and individuals
14 displaced, decent, safe, and sanitary dwellings equal in
15 number to the number of and available to such dis-
16 placed families and individuals and reasonably accessible
17 to their places of employment; and

18 (5) a payment for owner-occupants under the
19 same terms and conditions as are required to be made
20 by Federal agencies by subsection 211 (d) (1) of this
21 Act, except that no such payment shall be required
22 or included as a project cost under subsection 231 (c)
23 if the owner-occupant receives a payment required by
24 the State law of eminent domain which is determined by
25 the head of the Federal agency to have substantially the

1 same purpose and effect as subsection 211 (d) (1) and
2 to be part of the cost of the project for which Federal
3 financial assistance is available.

4 (b) As a condition to further assistance to a State
5 agency for (1) part or all of the cost of real property acqui-
6 sition, (2) part or all of the cost of a public improvement
7 for which real property is to be acquired, or (3) a program
8 which will otherwise result in the displacement of persons,
9 the head of the Federal agency shall require, within a rea-
10 sonable time prior to actual displacement, satisfactory assur-
11 ance by the State agency that decent, safe, and sanitary
12 dwellings as required by subsection 231 (a) (4) are avail-
13 able for the relocation of each such individual or family.

14 (c) The cost to a State agency of providing the pay-
15 ments and services described in subsection (a) of this sec-
16 tion may be included as part of the cost of the project
17 for which Federal financial assistance is available to such
18 State agency, and such State agency shall be eligible for
19 Federal financial assistance with respect to such payments
20 and services in the same manner and to the same extent as
21 with respect to other project costs. Notwithstanding any
22 other law, the Federal agency providing such assistance shall
23 contribute the first \$25,000 of the cost of providing such
24 payments to any person displaced prior to July 1, 1972.

1 Any funds appropriated or otherwise available to a Federal
2 agency for assistance to State agencies for such projects
3 shall be available also for obligation and expenditure to
4 carry out the provisions of this subsection. No State agency
5 need agree to make any relocation payment in excess of
6 \$25,000 to any displaced person in order to receive the
7 assistance authorized by this subsection.

8 (d) In order to prevent unnecessary expenses and
9 duplication of functions, and to promote uniform and effective
10 administration of relocation assistance programs for
11 displaced persons, any agreement by a State agency under
12 subsection (a) of this section shall provide that such agency
13 may make relocation payments or provide relocation assistance
14 or otherwise carry out its functions under this title
15 by utilizing the facilities, personnel, and services of any
16 other State agency having an established organization for
17 conducting relocation assistance programs.

18 (e) Any grant to, or contract or agreement with a
19 State agency executed before the effective date of this
20 section, under which Federal financial assistance is available
21 to pay the cost in connection with the acquisition of real
22 property, or of the improvement for which such property
23 is acquired, may be amended to include the terms and conditions
24 required by subsection (a) of this section.

25 (f) If the head of a Federal agency determines that

1 it is necessary for the expeditious completion of a public
2 improvement for which a State agency has entered into
3 agreement, as described in subsection (a) of this section,
4 to make relocation payments to displaced persons, or to pro-
5 vide the funds necessary to meet the requirements of section
6 321 (b) (1) of this Act, he may advance to the State agency
7 the Federal share of such relocation payments and an amount
8 necessary to make the required payments under section 321
9 (b) (1). Upon determination by the head of such Federal
10 agency that any part of the funds advanced to a State agency
11 under this subsection are no longer required, the amount
12 which he determines not to be required shall be repaid upon
13 demand. Any sum advanced and not repaid on demand
14 shall be deducted from sums otherwise available to such State
15 agency from Federal sources.

16 DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSIST-
17 ANCE UNDER TITLE I OF THE HOUSING ACT OF 1949.
18 AS AMENDED

19 SEC. 232. A person who moves or discontinues his busi-
20 ness, or moves other personal property, or moves from his
21 dwelling on or after the effective date of this Act, as a direct
22 result of any project or program which receives Federal
23 financial assistance under title I of the Housing Act of 1949,
24 as amended, or the Demonstration Cities and Metropolitan

1 Development Act of 1966 shall, for the purposes of this title,
2 be deemed to be a displaced person.

3 PART C—AUTHORITY OF THE PRESIDENT

4 SEC. 241. (a) To carry out the provisions of this title,
5 the President is authorized to make such rules and regulations
6 as he may determine to be necessary to assure—

7 (1) that relocation payments authorized by section
8 211 shall be fair and reasonable and as uniform as
9 practicable;

10 (2) that a displaced person entitled to a relocation
11 payment under section 211 (a) shall be reimbursed for
12 or paid—

13 (A) his reasonable and necessary expenses in
14 moving himself, his family, his business, farm oper-
15 ation, or other personal property, and for his rea-
16 sonable and necessary expenses in searching for a
17 replacement property;

18 (B) if he disposes of personal property on
19 moving or discontinuing his business or farm oper-
20 ation at a price which is less than its replacement
21 value, the amount of the difference between such
22 price and such value; and

23 (C) such other expenses authorized by section
24 211 (a) as may be provided for in regulations issued
25 under this section;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 211 (a) with due consideration for the declaration of policy of this title and the provisions of subsection (a) of this section and section 231 (c) .

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilities, personnel, and services

1 of any other Federal agency, or by entering into appropriate
2 contracts or agreements with any State agency having an
3 established organization for conducting relocation assistance
4 programs.

5 (d) The President may make such other rules and
6 regulations consistent with the provisions of this title as he
7 deems necessary or appropriate to carry out this title.

8 PART D—GENERAL PROVISIONS

9 SEVERABILITY

10 SEC. 251. If any provision of this title, or the applica-
11 tion thereof to any person or circumstance is held invalid,
12 the remainder of this title and the application of the provi-
13 sion to other persons or circumstances shall not be affected
14 thereby.

15 REPEALER

16 SEC. 252. (a) The following laws and parts of laws are
17 hereby repealed:

18 (1) the Act entitled “An Act to authorize the
19 Secretary of the Interior to reimburse owners of lands
20 required for development under his jurisdiction for their
21 moving expenses, and for other purposes,” approved
22 May 29, 1958 (43 U.S.C. 1231–1234) ;

23 (2) paragraph 14 of section 203 (b) of the Na-
24 tional Aeronautics and Space Act of 1958 (42 U.S.C.
25 2473) ;

1 (3) section 2680 of title 10, United States Code;

2 (4) section 133 of title 23, United States Code;

3 (5) section 7 (b) of the Urban Mass Transporta-
4 tion Act of 1964 (49 U.S.C. 1606 (b)) ;

5 (6) section 105 (c) of the Housing Act of 1949
6 (42 U.S.C. 1455 (c)) ;

7 (7) section 114 of the Housing Act of 1949 (42
8 U.S.C. 1465) ;

9 (8) paragraph (7) (b) (iii) of section 15 of the
10 United States Housing Act of 1937 (42 U.S.C. 1415
11 (7) (b) (iii)) ;

12 (9) paragraph (8) of section 15 of the United
13 States Housing Act of 1937 (42 U.S.C. 1415 (8)),
14 except the first sentence of such paragraph;

15 (10) section 404 of the Housing and Urban De-
16 velopment Act of 1965 (42 U.S.C. 3074) ;

17 (11) section 107 of the Demonstration Cities and
18 Metropolitan Development Act of 1966 (42 U.S.C.
19 3307) ;

20 (12) chapter 5 of title 23, United States Code; and

21 (13) sections 32 and 33 of the Federal Aid High-
22 way Act of 1968 (Public Law 90-495) .

23 (b) Any rights or liabilities now existing under prior
24 Acts or portions thereof shall not be affected by the repeal

1 of such prior Acts or portions thereof under subsection (a)
2 of this section.

3 EFFECTIVE DATE

4 SEC. 253. This title and the amendments made by this
5 title shall become effective one hundred and eighty days
6 after the date of its enactment, except that sections 231, 232,
7 and 252 (a) (4), (5), (6), (7), (8), (9), and (10) shall
8 take effect on July 1, 1971, except that commencing one
9 hundred and eighty days after enactment, the provisions of
10 sections 231 and 232 shall be applicable with respect to any
11 grant to or contract or agreement with a State agency to the
12 extent it is able under its laws to comply with such sections
13 and the provisions of Federal law governing relocation pay-
14 ments and assistance otherwise applicable to grants to or
15 contracts or agreements with such agency shall be super-
16 seded by this title.

17 TITLE III—UNIFORM LAND ACQUISITION POLICY

18 PART A—FEDERAL PROGRAMS

19 UNIFORM POLICY ON LAND ACQUISITION PRACTICES

20 SEC. 301. (a) In order to encourage the acquisition
21 of real property by amicable agreements with owners, to
22 relieve congestion in the courts, to assure consistent treat-
23 ment for owners in the many Federal programs, and to pro-
24 mote public confidence in Federal land acquisition practices,

1 heads of Federal agencies shall be governed by the following
2 policies:

3 (1) The head of a Federal agency shall conduct trans-
4 actions for the acquisition of real property in such a manner
5 as to assure to the extent possible that persons whose prop-
6 erty is acquired shall not be worse off economically than
7 they were before the property was acquired.

8 (2) The head of a Federal agency shall make every
9 reasonable effort to acquire real property by negotiated
10 purchase.

11 (3) Real property shall be appraised before the initia-
12 tion of negotiations, and the owner or his designated repre-
13 sentative shall be given an opportunity to accompany the
14 appraiser during his inspection of the property.

15 (4) Before the initiation of negotiations for real prop-
16 erty, the head of the Federal agency concerned shall estab-
17 lish an amount which he believes to be just compensation,
18 such amount not to be less than the appraised value of the
19 property as approved by such agency head, and shall make
20 a prompt offer to acquire the property for the full amount
21 so established. Any decrease in the value of real property
22 prior to the date of valuation caused by the public improve-
23 ment for which such property is acquired, or by the likeli-
24 hood that the property would be acquired for the proposed

1 public improvement, other than that due to physical de-
2 terioration within the reasonable control of the owner, will
3 be disregarded in determining the compensation for the
4 property.

5 (5) No owner shall be required to surrender possession
6 of real property before the head of the Federal agency
7 concerned pays the agreed purchase price, or deposits with
8 the court in accordance with section 1 of the Act of February
9 26, 1961 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit
10 of the owner an amount not less than the appraised fair
11 value of such property as determined by such agency head,
12 or the amount of the award of compensation in the condem-
13 nation proceeding for such property.

14 (6) The construction or development of public im-
15 provements shall be so scheduled that, to the greatest extent
16 practicable, no person lawfully occupying the real property
17 shall be required to move from his home, farm, or business
18 location without at least ninety days' written notice from
19 the head of the Federal agency concerned.

20 (7) If the head of the Federal agency concerned does
21 not require a building, structure, or other improvement ac-
22 quired as a part of the real property, he shall where practi-
23 cable offer to permit its owner to remove it. As a condition of
24 removal, an appropriate agreement shall be required whereby
25 the fair value of such building, structure, or improvement

1 for removal from the real property, as determined by such
2 agency head, will be deducted from the compensation other-
3 wise to be paid for the real property, however such compen-
4 sation may be determined.

5 (8) If the head of a Federal agency permits an owner
6 or tenant to occupy the real property acquired on a rental
7 basis for a short term or for a period subject to termination
8 by the Government on short notice, the amount of rent
9 required shall not exceed the fair rental value of the property
10 to a short-term occupier.

11 (9) In no event shall the head of a Federal agency
12 either advance the time of condemnation, or defer the con-
13 demnation and the deposit of funds in court for the use of
14 the owner, in order to compel an agreement on the price to
15 be paid for the property. If an agency head cannot reach an
16 agreement with the owner, after negotiations have con-
17 tinued for a reasonable time, he shall promptly institute
18 condemnation proceedings and, at the same time or as soon
19 thereafter as practicable, file a declaration of taking and
20 deposit funds with the court in accordance with the Act of
21 February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if
22 possession is required prior to the entry of the judgment
23 in the condemnation proceeding.

24 (10) If an interest in real property is to be acquired
25 by exercise of the power of eminent domain, the head of

1 the Federal agency concerned shall, except as to property
2 to be acquired under section 25 of the Tennessee Valley
3 Authority Act of 1933 (48 Stat. 70, as amended; 16 U.S.C.
4 831x), require the Attorney General to institute formal
5 condemnation proceedings. No Federal agency head shall
6 intentionally make it necessary for an owner to institute
7 legal proceedings to prove the fact of the taking of his
8 property.

9 (11) If only a portion of a parcel of real property is
10 to be acquired, thereby leaving the unacquired portion
11 without economic use, the head of the Federal agency con-
12 cerned shall offer to acquire the entire property.

13 (12) In determining the boundaries of a proposed
14 public improvement, the head of the Federal agency con-
15 cerned should take into account human considerations, in-
16 cluding the economic and social effects of such determina-
17 tion on the owners and tenants of real property in the
18 area, in addition to engineering and other factors.

19 (b) The provisions of this section shall not affect the
20 validity of any property acquisitions by purchase or con-
21 demnation.

22 BUILDINGS, STRUCTURES, AND IMPROVEMENTS

23 SEC. 302. (a) Notwithstanding any other provisions of
24 law, if the head of a Federal agency acquires land or any
25 interest in land for public use in a State, he shall acquire

1 a like interest, or greater interest, in all buildings, structures,
2 or other improvements on the land so acquired which are
3 required to be removed from the land or which, in the
4 opinion of such agency head, will be adversely affected by
5 such public use, if such improvements are not required to be
6 removed.

7 (b) As used in this section, the term “real property”
8 means land, or any interest in land, and (1) any building,
9 structure, or other improvement imbedded in or affixed to
10 land, and any article so affixed or attached to such building,
11 structure, or improvement as to be an essential and integral
12 part thereof; (2) any article affixed or attached to such
13 real property in such manner that it cannot be removed
14 without material injury to itself or the real property; and
15 (3) any article so designed, constructed, or specially adapted
16 for the purpose for which such real property is used that
17 (A) it is an essential accessory or part of such real prop-
18 erty, (B) it is not capable of use elsewhere, and (C) it
19 would lose substantially all its value if removed from the
20 real property.

21 (c) (1) For the purpose of determining the extent of
22 the acquisition of real property and the valuation thereof, no
23 building, structure, or other improvement shall be deemed
24 to be other than a part of the real property solely because
25 of the right or obligation of a tenant, as against the owner

1 of any other interest in the real property, to remove such
2 building, structure, or improvement at the expiration of his
3 term, and the head of the Federal agency shall pay to the
4 tenant the fair value of the building, structure, or improve-
5 ment, which fair value shall be determined by such agency
6 head as the greatest of (A) the contributive value of the
7 improvement to the present use of the entirety, (B) the
8 current cost of replacement less depreciation of the improve-
9 ment, or (C) the value of the improvement for removal
10 from the property.

11 (2) Payment under this subsection shall not result in
12 duplication of any payments otherwise authorized by law.
13 No such payment shall be made unless the fee owner of
14 the land involved disclaims any interest in the improve-
15 ments of the lessee. In consideration for any such payment,
16 the lessee shall assign, transfer, and release to the United
17 States all his right, title, and interest in and to such improve-
18 ments. No provision of this subsection shall be construed
19 to deprive the lessee of his right to reject the payments
20 hereunder and to obtain payment for his property interests
21 of just compensation as otherwise defined by law.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO
UNITED STATES

SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier.

1 PART B—FEDERALLY ASSISTED PROGRAMS
2 REQUIREMENTS FOR APPROVAL OF CONTRACTS OR AGREE-
3 MENTS FOR FEDERAL ASSISTANCE

4 SEC. 321. (a) Notwithstanding any other provision
5 of law, on and after the date of enactment of this section no
6 grant to or contract or agreement with a State agency,
7 under which Federal financial assistance will be available to
8 pay in whole or in part the cost of the acquisition of real
9 property or of a public improvement for which real property
10 is to be acquired, may be approved by the head of the
11 Federal agency responsible for the administration of such
12 Federal financial assistance unless such State agency has
13 entered into an agreement which shall provide—

14 (1) that every reasonable effort shall be made to
15 acquire the real property by negotiated purchase;

16 (2) that the construction or development of the
17 public improvement shall be so scheduled that, to the
18 greatest extent practicable, no person lawfully occupy-
19 ing the real property shall be required to move from
20 his home, farm, or business location without at least
21 ninety days' written notice from such State agency; and

22 (3) that it shall be the policy of the head of the
23 State agency, before initiating negotiations for real
24 property, to establish an amount which he believes to
25 be just compensation, under the laws of the State, such

1 amount not to be less than the appraised value of the
2 property as approved by such State agency head, and
3 to make a prompt offer to acquire the property for the
4 full amount so established.

5 (b) Notwithstanding any other provision of law, no
6 grant to, or contract or agreement with a State agency, under
7 which Federal financial assistance will be available to pay in
8 whole or in part the cost of the acquisition of real property,
9 or of a public improvement for which real property is to
10 be acquired, may be approved by the head of the Federal
11 agency responsible for the administration of such Federal
12 financial assistance, unless such State agency has entered
13 into the agreements described in subsection (a) of this sec-
14 tion and has also agreed—

15 (1) that no owner will be required to surrender
16 possession of real property before the head of the State
17 agency (A) pays the agreed purchase price, (B) makes
18 available to the owner, by court deposit or otherwise, an
19 amount not less than the appraised fair value of such
20 property, as approved by such State agency head, with-
21 out prejudice to the right of the owner to contest the
22 amount of compensation due for the property, or (C)
23 deposits or pays the final award of compensation in the
24 condemnation proceeding for such property;

1 (2) that the head of the State agency, as soon as
2 practicable after the date of payment of the purchase
3 price or the date of deposit of funds to satisfy the award
4 of compensation in a condemnation proceeding to acquire
5 real property, whichever is the earlier, shall reimburse
6 the owner for necessary and reasonable expenses incurred
7 for—

8 (A) recording fees, transfer taxes, and similar
9 expenses incidental to conveying such real property;

10 (B) penalty costs for prepayment of any
11 mortgage entered into in good faith encumbering
12 such real property if such mortgage is on record or
13 has been filed for record under applicable State law
14 on the date the official announcement of the project
15 is made by the State agency; and

16 (C) the pro rata portion of real property
17 taxes allocable to a period subsequent to the date of
18 vesting title in the State or the effective date of a
19 court order of possession, whichever is the earlier;

20 (3) that any decrease in the value of real property
21 prior to the date of valuation caused by the public im-
22 provement for which such property is acquired, or by
23 the likelihood that the property would be acquired for
24 the proposed public improvements, other than that due
25 to physical deterioration within the reasonable control

1 of the owner, will be disregarded in determining the
2 compensation for the property; and

3 (4) that for the purpose of determining the extent
4 of the acquisition of real property and the valuation
5 thereof, no building, structure, or other improvement
6 shall be deemed to be other than a part of the real
7 property solely because of the right or obligation of a
8 tenant, as against the owner of any other interest in the
9 real property, to remove such building, structure, or im-
10 provement at the expiration of his term, and the head
11 of the State agency shall pay to the tenant the fair value
12 of the building, structure, or improvement, which fair
13 value shall be determined by such agency head as the
14 greatest of (1) the contributive value of the improve-
15 ment to the present use of the entirety, (2) the current
16 cost of reproduction less depreciation of the improve-
17 ment, or (3) the value of the improvement for removal
18 from the property, except that (1) payment hereunder
19 will not result in duplication of any payments otherwise
20 authorized by law; (2) the fee owner of the land in-
21 volved disclaims any interest in the improvements of
22 the lessee; and (3) the lessee in consideration for such
23 payment shall assign, transfer, and release to the State
24 agency all his right, title, and interest in and to such
25 improvements. No provision of this subsection shall be

1 construed to deprive the lessee of his right to reject the
2 payments hereunder and to obtain payment for his prop-
3 erty interests of just compensation as otherwise defined
4 by law.

5 PROVISIONS REPEALED

6 SEC. 322. Sections 401, 402, and 403 of the Housing
7 and Urban Development Act of 1965 (42 U.S.C. 3071-
8 3073) and section 35 of the Federal Aid Highways Act of
9 1968 (Public Law 90-495) are hereby repealed.

10 EFFECTIVE DATE

11 SEC. 323. This title shall become effective one hundred
12 and eighty days after enactment, except that sections
13 321 (b) and 322 shall take effect on July 1, 1971, except
14 that commencing one hundred and eighty days after enact-
15 ment, the provisions of section 321 (b) shall be applicable
16 with respect to any grant to or contract or agreement with
17 a State agency to the extent it is able under its laws to com-
18 ply with such sections and the provisions of Federal law gov-
19 ernment acquisition of real property otherwise applicable to
20 grants to or contracts or agreements with such agency shall
21 be superseded by this title.

A BILL

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

By Mr. MUSKIE, Mr. ANDERSON, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BOGGS, Mr. BROOKE, Mr. CHURCH, Mr. COOPER, Mr. CURTIS, Mr. DODD, Mr. FULBRIGHT, Mr. HART, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. McGEHEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MONTOMY, Mr. MOSS, Mr. MURDER, Mr. NELSON, Mr. PELL, Mr. RANDOLPH, Mr. SPARKMAN, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 15 (legislative day, JANUARY 10), 1969

Read twice and referred to the Committee on
Government Operations



benefits provided under such part B, and otherwise to extend and approve such program; and

S. 111. A bill to amend title XVIII of the Social Security Act so as to provide a more uniform, orderly, and economical method for the payment for physicians services under the supplementary medical insurance program for the aged established by part B of such title; to the Committee on Finance.

(See the remarks of Mr. AIKEN when he introduced the above bills, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 112. A bill for the relief of Dr. Kenneth Siu;

S. 113. A bill for the relief of Dr. Mete V. Aitug; and

S. 114. A bill for the relief of Ali Nail and Meral Kubali; to the Committee on the Judiciary.

By Mr. GORE:

S. 115. A bill for the relief of Bonnie Ann Lowrie, Mark Wayne Lowrie, and Paul Cameron Lowrie;

S. 116. A bill for the relief of Phillip F. Thomas; and

S. 117. A bill for the relief of Dimitrios Vassiliadis; to the Committee on the Judiciary.

By Mr. BIBLE (for himself, Mr. CANNON, Mr. MURPHY, and Mr. CRANSTON):

S. 118. A bill to grant the consent of the Congress to the Tahoe Regional Planning Compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. TOWER:

S. 119. A bill for the relief of Jan Nowicki, his wife, Wladyslawa Nowicki, and his son, Piotr Nowicki; to the Committee on the Judiciary.

By Mr. BAYH (for himself, Mr. AIKEN, Mr. BELLMON, Mr. BIBLE, Mr. BURDICK, Mr. BYRD, of West Virginia, Mr. CASE, Mr. CHURCH, Mr. COOK, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HATFIELD, Mr. HARTKE, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MATHIAS, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PEARSON, Mr. PELL, Mr. PROXMIER, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio):

S.J. Res. 1. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States.

(See the remarks of Mr. BURDICK when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN (for himself, Mr. BYRD of West Virginia, Mr. BYRD of Virginia, Mr. MILLER, Mr. DODD, Mr. DOMINICK, Mr. SPARKMAN, Mr. TALMADGE, and Mr. JORDAN of North Carolina):

S.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

(See the remarks of Mr. ERVIN when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. ERVIN (for himself, Mr. ALLEN, Mr. TALMADGE, Mr. BYRD of West Virginia, and Mr. STENNIS):

S.J. Res. 3. Joint resolution proposing an amendment to the Constitution relating to

members of the Supreme Court of the United States.

(See the remarks of Mr. ERVIN when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. HOLLAND:

S.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. TYDINGS, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. CHURCH, Mr. CANNON, Mr. MUSKIE, Mr. MONDALE, Mr. NELSON, Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, and Mr. HATFIELD):

S.J. Res. 5. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on the Judiciary.

(See the remarks of Mr. MOSS when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DIRKSEN (for himself, Mr. ALLEN, Mr. ALLOTT, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BYRD of Virginia, Mr. BYRD of West Virginia, Mr. COOK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. FANNIN, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HANSEN, Mr. HOLLAND, Mr. HOLLINGS, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. MOSS, Mr. MUNDT, Mr. PEARSON, Mr. PROUTY, Mr. RANDOLPH, Mrs. SMITH, Mr. SPARKMAN, Mr. STENNIS, Mr. THURMOND, Mr. TOWER, and Mr. YOUNG of North Dakota):

S.J. Res. 6. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S.J. Res. 7. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

(See the remarks of Mr. RANDOLPH when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S.J. Res. 8. Joint resolution proposing an amendment to the Constitution preserving the rights of the States with respect to public schools; to the Committee on the Judiciary.

S.J. Res. 9. Joint resolution to establish a commission to formulate plans for a memorial to astronauts who lose their lives in line of duty in the U.S. space program; to the Committee on Aeronautical and Space Sciences.

By Mr. GOLDWATER:

S.J. Res. 10. Joint resolution to provide for the designation of the calendar week beginning on February 9, 1969, and ending on February 15, 1969, as "Active 20-30 Week"; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT):

S.J. Res. 11. Joint resolution to provide for the appointment of Robert Strange McNamara as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. GRIFFIN:

S.J. Res. 12. Joint resolution to create a joint congressional committee to review, and recommend revisions in, the laws relating to industrywide collective bargaining and industrywide strikes and lockouts; to the Committee on Labor and Public Welfare.

By Mr. ANDERSON:

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. BROOKE:

S.J. Res. 14. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

(See the remarks of Mr. BROOKE when he introduced the above joint resolution, which appear under a separate heading.)

(For remainder of bills introduced today, see proceedings of tomorrow, Thursday, January 16, 1969.)

S. 1—INTRODUCTION OF BILL—THE UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. MUSKIE. Mr. President, on behalf of myself and Senators ANDERSON, BAKER, BAYH, BIBLE, BOGGS, BROOKE, CHURCH, COOPER, CURTIS, DODD, FULBRIGHT, HART, HATFIELD, INOUE, JAVITS, JORDAN of Idaho, KENNEDY, MCGEE, MCINTYRE, MCGOVERN, METCALF, MILLER, MONDALE, MONTOYA, MOSS, MUNDT, NELSON, PELL, RANDOLPH, SPARKMAN, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio, I introduce, for appropriate reference, a bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

Mr. President, a major item of unfinished business which should be accorded highest priority in this new Congress is the passage of legislation assuring consistent and fair treatment of those who are uprooted from their homes and places of business by projects carried out by the Federal Government and by State and local governments with Federal assistance. That is the purpose of the bill I am introducing today.

This is an old problem that should weigh heavily on the conscience of all who are responsible for the setting of Federal policies. It has been a matter of great concern to Senators over the last decade.

Provisions for uniform relocation assistance and land acquisition policies were included in the Intergovernmental Cooperation Act of 1968, as it was introduced and as it was passed by the Senate. Thirty-one Senators joined me in cosponsoring that measure.

The hearings conducted by the Subcommittee on Intergovernmental Relations demonstrated in intensely human terms the shattering effects of the displacement of people from their homes, their neighborhoods, their businesses to make way for public projects. They brought out clearly the confusion and inequities caused by the diversity and inadequacy of the measures available to public agencies to reduce the hardships of displacement.

It was in the 86th Congress that the senior Senator from Alabama (Mr. SPARKMAN) introduced his bill for a comprehensive study of this whole problem by an independent commission. When the view prevailed that this study should be conducted within the legislative

branch, Members of both Houses looked to the Select Subcommittee on Real Property Acquisition, established in 1962 by the House Committee on Public Works, to provide the basis for legislative action. That subcommittee rendered its monumental report in 1964. It showed conclusively and in detail the inequities and hardships suffered by hundreds of thousands of families, businessmen, and farmers for the sake of projects intended to benefit the public as a whole. In the following year I introduced a bill, S. 1681, to implement many of the recommendations of that report, and it was unanimously passed by the Senate, though it did not come to final action in the House.

The Intergovernmental Cooperation Act, in the form approved by the Senate, would have made a fair and reasonable measure of assistance available on a uniform basis to those displaced by any Federal program or by any State or local program which uses Federal financial assistance. It provided that assurances must be given in advance that suitable housing would be available for relocation of families and individuals. It directed that advisory assistance be given to all displaced persons in finding new homes or places of business. It established schedules of relocation payments geared to the actual cost of moving and economic adjustment. It provided that this assistance should be applied uniformly in all programs, under regulations issued by authority of the President.

Two other measures addressed themselves to this problem in the 90th Congress, the Federal Aid Highway Act of 1968 and the Housing and Urban Development Act of 1968.

The Highway Act, this year for the first time, included mandatory provision for relocation assistance to those displaced in the Federal aid highway system, closely comparable to and, in fact, borrowed from the provisions of the Intergovernmental Cooperation Act. That act became law on August 23, 1968. The Housing and Urban Development Act, which became law on August 1, 1968, added to the relocation assistance already available in housing and urban programs, bringing it close to the level that would have been established by the Intergovernmental Cooperation Act.

In these two acts provision has now been made for assistance to the great majority of those displaced by Federal or federally assisted programs.

There still was lacking, however, a system for applying relocation assistance uniformly in all programs, and this is what the Intergovernmental Cooperation Act would have accomplished. Unfortunately, because of a conflict of committee jurisdiction in the House of Representatives, it was not possible for the Senate and the House to agree on this portion of the bill. In the same manner, provisions establishing uniform policies to be followed in all Federal or federally assisted programs governing the acquisition of land for public projects were left from the bill.

This was a jurisdictional problem; there was no disagreement on the merits

of these provisions. In fact, the managers on the part of the House in reporting the conference report stated:

The conferees were in agreement on the desirability of the Congress enacting a uniform relocation policy to assist those displaced from their homes, farms, or businesses by Federal and federally assisted projects. They were also agreed upon the desirability of a uniform land acquisition policy in cases where Federal or federally assisted programs result in the taking of the land of private owners. They recommend to the appropriate committees of both Houses that action be taken on those objectives as soon as possible.

This unfinished business deserves to be given the highest priority in the 91st Congress. It is imperative that the Government of the United States deal consistently and fairly with all those whose property is taken for public projects and all those who are displaced from their homes and their businesses. When called upon to make this adjustment in their personal lives for the public good, such persons must be able to turn to the responsible agency, whether of a local government, the State, or the Federal Government, and be assured of the help they need to reestablish themselves in homes or places of business no less satisfactory than those they were forced to leave.

The bill which I am introducing today can serve as the means of discharging that responsibility. It is based on the provisions which were included in the Intergovernmental Cooperation Act of last year, and takes fully into account past congressional actions on relocation and land acquisition problems. It has benefited by the consideration given to relocation and land acquisition measures not only by the Committee on Government Operations but also by the Committees on Public Works and Banking and Currency. It follows as closely as possible the substantive provisions of the Housing and Urban Development Act and the Federal Aid Highway Act, modifying them only as necessary to achieve a system of requirements and aids that can be applied uniformly in all Federal and federally assisted programs. It gives particular attention to the need for consistency and even-handedness in dealings with property owners and displaced persons. It places responsibility for coordination of all Federal operations under the act where it belongs—in the Executive Office of the President. To reduce conflict and confusion in the federally aided programs, the bill provides that one State or local agency may make relocation payments and provide relocation assistance on behalf of all programs causing displacements in the locality.

The time has come to bring our studies of these problems to an early conclusion and proceed to final congressional action. I am hopeful that the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969 will be approved in both Houses of Congress and sent to the President during the first session of the 91st Congress.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1) to provide for uniform and equitable treatment of persons dis-

placed from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, introduced by Mr. MUSKIE and other Senators, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 1

A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Land Acquisition Policies Act of 1969".

TITLE I—DEFINITIONS

As used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and territory or possession of the United States, and any political subdivision thereof.

STATE AGENCY

SEC. 103. The term "State agency" means the District of Columbia Redevelopment Land Agency and any public body, agency or instrumentality of a State or of a political subdivision of a State, or any public agency or instrumentality of two or more States or of two or more political subdivisions of a State or States.

HEAD OF AGENCY

SEC. 104. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

DISPLACED PERSON

SEC. 105. The term "displaced person" means—

(1) any person who is the owner of a business which moves from real property or is discontinued on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(2) any person who is the operator of a farm operation which moves from real property or is discontinued on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date of this Act, as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency, or which moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency of other real property on which such family conducts a business or farm operation;

(4) any individual, not a member of a family, who moves from real property occupied as a dwelling on or after the effective

date of this Act, as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency, or who moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency of other real property on which such individual conducts a business or farm operation; or

(5) any person, not described in paragraph (1), (2), (3), or (4) of this section, who moves his personal property from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency. Under this paragraph, the term "displaced person" shall not include the owner of personal property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense.

BUSINESS

SEC. 106. The term "business" means any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; or (4) for the sale of services to the public. Such term does not include the activity of an investor in acquiring or holding real property for resale for gain.

FARM OPERATION

SEC. 107. The term "farm operation" means any activity conducted solely or primarily for the production for sale or for home use, of one or more agricultural products or commodities other than timber, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

FARM OPERATOR

SEC. 108. The term "farm operator" means any owner, part owner, tenant, or sharecropper who operates a farm.

FAMILY

SEC. 109. The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or guardianship.

DISPLACED

SEC. 110. The term "displaced", when used in relation to any person, means any person moved or to be moved from real property on or after the effective date of this Act as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government.

OWNER AND PERSON

SEC. 111. The terms "owner" and "person" include any individual, or any partnership, corporation, or association, whether organized for profit or not for profit.

REAL PROPERTY

SEC. 112. The term "real property" as used in this Act shall include land, and any interest in land, including but not limited to easements, rights-of-way, water rights, and mineral interests.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs to the end that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Such a policy

shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) Federal reimbursement for relocation payments under federally assisted programs.

PART A—FEDERAL PROGRAMS

RELOCATION PAYMENTS

SEC. 211. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 241 of this Act.

(b) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

(1) a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$200; and

(2) a dislocation allowance of \$100.

(c) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues his business provided the average annual net earnings of the business are less than \$10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the business or \$5,000, whichever is the lesser. In the case of a displaced person who is sixty-two years of age or over, this payment shall be increased by an amount equal to twice the average annual net earnings of the business or \$5,000, whichever is the lesser.

(2) No payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business—

(A) cannot be relocated without a substantial loss of its existing patronage; and

(B) is not part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or similar business.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired, and includes any compensation paid by the business to the owner, his spouse, or his dependents during such two-year period.

(d) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment in the amount of \$1,000 to any displaced person who moves or discontinues a farm operation, provided the average annual net earnings of the farm operation are less than \$10,000 a year.

(2) In the case where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the property not acquired is no longer a viable economic unit.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such farm operation moves from the real property acquired, and includes any compensation paid by the farm operation to the owner, his spouse, or his dependents during such two-year period.

(e) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to the owner of real property which is improved by a single-, two-, or three-family dwelling actually owned and occupied by

the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment. Such payment shall be made only to a displaced owner who purchases and occupies another dwelling within one year after the date on which he is required to move from the dwelling acquired for the project.

(2) The Secretary of Housing and Urban Development shall determine the prices prevailing in the locality for dwellings meeting the requirements of paragraph (1) of this subsection for all agencies making such payments.

(f) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any individual or family displaced from a dwelling and not eligible to receive a payment under subsection (e) (1) of this section, provided such dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property. The additional payment, not to exceed \$1,500, shall be an amount which, when added to 20 per centum of the income of the displaced individual or family during the two-year period immediately preceding displacement, equals the average rental required for a two-year period for a decent, safe, and sanitary dwelling of modest standards adequate in the size to accommodate the displaced individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. Such payment shall be made only to an individual or family who is unable to secure a dwelling in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

(2) The Secretary of Housing and Urban Development shall determine the amount of assistance under this subsection according to family size, family or individual income, average rents required, or similar considerations for all agencies making such payments.

(g) No payment received under this section shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

RELOCATION ASSISTANCE PROGRAMS

SEC. 212. (a) If the head of any Federal agency acquires real property for public use in a State, he shall provide a relocation assistance program for displaced persons which shall offer the services described in subsection (c) of this section. If the head of such agency determines that persons occupying property immediately adjacent to the real property acquired are caused substantial economic injury because of the acquisition of real property for public use, he may offer such persons relocation services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance program required by subsection (a) of this section shall include, to the maximum extent practicable, such measures, facilities, or services as may be necessary or appropriate in order—

(1) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(2) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment except that the President may prescribe by regulation situations when such assurances may be waived;

(3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations;

(4) to supply information concerning the Federal Housing Administration home acquisition program of the National Housing Act, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons.

(5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and

(6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

STATES FURNISHING REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE

Sec. 213. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute the first \$25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972.

FUND AVAILABILITY

Sec. 215. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

PART B.—FEDERALLY ASSISTED PROGRAMS RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE OF AVAILABILITY OF HOUSING

Sec. 231. (a) Notwithstanding any other provision of law, on and after the effective date of this section, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay all or part of the cost of (1) the acquisition of real property, (2) a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of persons may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement with the head of such Federal

agency to provide to displaced persons for moves from such real property—

(1) fair and reasonable relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211(a) of this title and in accordance with regulations established by the President under section 241 of this title;

(2) relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by sections 211 (b), (c), and (d) (2) of this title;

(3) relocation assistance programs offering the services described in section 212(c) of this title;

(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment; and

(5) a payment for owner-occupants under the same terms and conditions as are required to be made by Federal agencies by subsection 211(d)(1) of this Act, except that no such payment shall be required or included as a project cost under subsection 231(c) if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the head of the Federal agency to have substantially the same purpose and effect as subsection 211(d)(1) and to be part of the cost of the project for which Federal financial assistance is available.

(b) As a condition to further assistance to a State agency for (1) part or all of the cost of real property acquisition, (2) part or all of the cost of a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of persons, the head of the Federal agency shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the State agency that decent, safe, and sanitary dwellings as required by subsection 231(a)(4) are available for the relocation of each such individual or family.

(c) The cost to a State agency of providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs. Notwithstanding any other law, the Federal agency providing such assistance shall contribute the first \$25,000 of the cost of providing such payments to any person displaced prior to July 1, 1972. Any funds appropriated or otherwise available to a Federal agency for assistance to State agencies for such projects shall be available also for obligation and expenditure to carry out the provisions of this subsection. No State agency need agree to make any relocation payment in excess of \$25,000 to any displaced person in order to receive the assistance authorized by this subsection.

(d) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation

assistance or otherwise carry out its functions under this title by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(e) Any grant to, or contract or agreement with a State agency executed before the effective date of this section, under which Federal financial assistance is available to pay the cost in connection with the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include the terms and conditions required by subsection (a) of this section.

(f) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, or to provide the funds necessary to meet the requirements of section 321(b)(1) of this Act, he may advance to the State agency the Federal share of such relocation payments and an amount necessary to make the required payments under section 321(b)(1). Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency from Federal sources.

DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSISTANCE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED

Sec. 232. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to be a displaced person.

PART C—AUTHORITY OF THE PRESIDENT

Sec. 241. (a) To carry out the provisions of this title, the President is authorized to make such rules and regulations as he may determine to be necessary to assure—

(1) that relocation payments authorized by section 211 shall be fair and reasonable and as uniform as practicable;

(2) that a displaced person entitled to a relocation payment under section 211(a) shall be reimbursed for or paid—

(A) his reasonable and necessary expenses in moving himself, his family, his business, farm operation, or other personal property, and for his reasonable and necessary expenses in searching for a replacement property;

(B) if he disposes of personal property on moving or discontinuing his business or farm operation at a price which is less than its replacement value, the amount of the difference between such price and such value; and

(C) such other expenses authorized by section 211(a) as may be provided for in regulations issued under this section;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 211 (a) with due consideration for the declaration of policy of this title and the provisions of subsection (a) of this section and section 231(c).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilities, personnel, and services of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations consistent with the provisions of this title as he deems necessary or appropriate to carry out this title.

PART D—GENERAL PROVISIONS

SEVERABILITY

SEC. 251. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of the provision to other persons or circumstances shall not be affected thereby.

REPEALED

SEC. 252. (a) The following laws and parts of laws are hereby repealed:

(1) the act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234);

(2) paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473);

(3) section 2680 of title 10, United States Code;

(4) section 133 of title 23, United States Code;

(5) section 7(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1606(b));

(6) section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c));

(7) section 114 of the Housing Act of 1949 (42 U.S.C. 1465);

(8) paragraph (7)(b)(iii) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415 (7)(b)(iii));

(9) paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415 (8)), except the first sentence of such paragraph;

(10) section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074);

(11) section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307);

(12) chapter 5 of title 23, United States Code; and

(13) sections 32 and 33 of the Federal Aid Highway Act of 1968 (Public Law 90-495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 253. This title and the amendments made by this title shall become effective one hundred eighty days after the date of its enactment, except that sections 231, 232, and 252(a)(4), (5), (6), (7), (8), (9), and (10) shall take effect on July 1, 1971, except that, commencing one hundred eighty days after enactment, the provisions of sections 231 and 232 shall be applicable with respect to any grant to or contract or agreement with

a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing relocation payments and assistance otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

TITLE III—UNIFORM LAND ACQUISITION POLICY

PART A—FEDERAL PROGRAMS

UNIFORM POLICY ON LAND ACQUISITION PRACTICES

SEC. 301. (a) In order to encourage the acquisition of real property by amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall be governed by the following policies:

(1) The head of a Federal agency shall conduct transactions for the acquisition of real property in such a manner as to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before the property was acquired.

(2) The head of a Federal agency shall make every reasonable effort to acquire real property by negotiated purchase.

(3) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(4) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation, such amount not to be less than the appraised value of the property as approved by such agency head, and shall make a prompt offer to acquire the property for the full amount so established. Any decrease in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

(5) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner an amount not less than the appraised fair value of such property as determined by such agency head, or the amount of the award of compensation in the condemnation proceeding for such property.

(6) The construction or development of public improvements shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from the head of the Federal agency concerned.

(7) If the head of the Federal agency concerned does not require a building, structure, or other improvement acquired as a part of the real property, he shall where practicable offer to permit its owner to remove it. As a condition of removal, an appropriate agreement shall be required whereby the fair value of such building, structure, or improvement for removal from the real property, as determined by such agency head, will be deducted from the compensation otherwise to be paid for the real property, however such compensation may be determined.

(8) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short

term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(9) In no event shall the head of a Federal agency either advance the time of condemnation, or defer the condemnation and the deposit of funds in court for the use of the owner, in order to compel an agreement on the price to be paid for the property. If an agency head cannot reach an agreement with the owner, after negotiations have continued for a reasonable time, he shall promptly institute condemnation proceedings and, at the same time or as soon thereafter as practicable, file a declaration of taking and deposit funds with the court in accordance with the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if possession is required prior to the entry of the judgment in the condemnation proceeding.

(10) If an interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall, except as to property to be acquired under section 25 of the Tennessee Valley Authority Act of 1933 (48 Stat. 70, as amended; 16 U.S.C. 831x), require the Attorney General to institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(11) If only a portion of a parcel of real property is to be acquired, thereby leaving the unacquired portion without economic use, the head of the Federal agency concerned shall offer to acquire the entire property.

(12) In determining the boundaries of a proposed public improvement, the head of the Federal agency concerned should take into account human considerations, including the economic and social effects of such determination on the owners and tenants of real property in the area, in addition to engineering and other factors.

(b) The provisions of this section shall not affect the validity of any property acquisitions by purchase or condemnation.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provisions of law, if the head of a Federal agency acquires land or any interest in land for public use in a State, he shall acquire a like interest, or greater interest, in all buildings, structures, or other improvements on the land so acquired which are required to be removed from the land or which, in the opinion of such agency head, will be adversely affected by such public use, if such improvements are not required to be removed.

(b) As used in this section, the term "real property" means land, or any interest in land, and (1) any building, structure, or other improvement imbedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential and integral part thereof; (2) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (3) any article so designed, constructed, or specially adapted for the purpose for which such real property is used that (A) it is an essential accessory or part of such real property, (B) it is not capable of use elsewhere, and (C) it would lose substantially all its value if removed from the real property.

(c) (1) For the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the

expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (A) the contributive value of the improvement to the present use of the entirety, (B) the current cost of replacement less depreciation of the improvement, or (C) the value of the improvement for removal from the property.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the fee owner of the land involved disclaims any interest in the improvements of the lessee. In consideration for any such payment, the lessee shall assign, transfer and release to the United States all his rights, title, and interest in and to such improvements. No provision of this subsection shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier.

PART B—FEDERALLY ASSISTED PROGRAMS

REQUIREMENTS FOR APPROVAL OF CONTRACTS OR AGREEMENTS FOR FEDERAL FINANCIAL ASSISTANCE

SEC. 321. (a) Notwithstanding any other provision of law, on and after the date of enactment of this section no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—

(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;

(2) that the construction or development of the public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from such State agency; and

(3) that it shall be the policy of the head of the State agency, before initiating negotiations for real property, to establish an amount which he believes to be just compensation, under the laws of the State, such amount not to be less than the appraised value of the property as approved by such State agency head, and to make a prompt

offer to acquire the property for the full amount so established.

(b) Notwithstanding any other provision of law, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property, or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance, unless such State agency has entered into the agreements described in subsection (a) of this section and has also agreed—

(1) that no owner will be required to surrender possession of real property before the head of the State agency (A) pays the agreed purchase price, (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) that the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(A) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(B) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the State agency; and

(C) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the State or the effective date of a court order of possession, whichever is the earlier;

(3) that any decrease in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvements, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property; and

(4) that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the State agency shall pay to the tenant the fair value of the building, structure, or improvement which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property, except that (1) payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements. No provision

of this subsection shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

PROVISIONS REPEALED

SEC. 322. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073) and Section 35 of the Federal Aid Highway Act of 1968 (Public Law 90-495) are hereby repealed.

EFFECTIVE DATE

SEC. 323. This title shall become effective one hundred eighty days after enactment, except that sections 321(b) and 322 shall take effect on July 1, 1971, except that commencing one hundred eighty days after enactment, the provisions of section 321(b) shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law government acquisition of real property otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

S. 4—INTRODUCTION OF BILL—THE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, I introduce for appropriate reference a bill to establish a Big Thicket National Park in southeast Texas. This beautiful and unique area of heavy rainfall and dense vegetation, which covers parts of Hardin, Polk, Tyler, Liberty, and San Jacinto Counties, near Beaumont, Tex., is one of our country's most valuable regions of biological and ecological development. Until recently, this portion of the Texas gulf plains has remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket as an identifiable ecological unity.

I originally introduced a bill substantially the same as this one in October of 1966, as S. 3929 of the 89th Congress, and reintroduced it again in January 1967, as S. 4 of the 90th Congress. It was presented as an integral part of my overall agenda for the conservation and preservation of our national resources, and it followed the establishment of the Padre Island National Seashore in 1962 and the Guadalupe Mountains National Park in 1966. It is now presented as a vitally important aspect of my conservation legislation for the 91st Congress.

Since the introduction of the original bill in 1966, I have received a vast amount of support for such legislation. There is substantial agreement in all quarters that some form of preservation of the Big Thicket is needed—indeed, imperative. There is great concern that immediate action be taken to preserve at least some of this area, thereby saving a portion of one of the most stimulating and unique of our wilderness areas.

On October 24, 1968, and again on November 27, 1968, I received notice from the Secretary of the Interior Stewart Udall, that a proposal for a Big Thicket Monument or National Recreation area has been approved by the Department of the Interior. The Advisory Board on National Parks, Historical Sites, Buildings and Monuments has rec-



April 16, 1969

SENATE

7. LAND ACQUISITION. A subcommittee of the Government Operations Committee approved for full committee consideration with amendments S. 1, the proposed Uniform Relocation Assistance and Land Acquisition Policies Act of 1969. p. D272.

EXTENSION OF REMARKS

8. TAXATION. Rep. Kastenmeier stated that the "blatant inequities of our present tax system" "underscore the almost desperate need for tax reform." pp. E2978-80.
Rep. St. Germain inserted a R.I. General Assembly resolution favoring a tax-sharing program with State and local governments. p. E2982.
9. FOREIGN TRADE. Rep. Reuss inserted a paper, "Our Foreign-Trade Policy Is Bankrupt." pp. E2988-92.
10. BUDGET. Rep. Mahon inserted a report summarizing the results of the review of the 1970 budget, and stated that it "supplies in capsule form the proposed and projected changes in the budgets for 1969 and 1970 submitted by President Johnson in January of this year." pp. E2993-6.
Rep. Ryan inserted an article, "GOP No Better Than Johnson At Curbing Defense Spending." pp. E3055-6.
11. POLLUTION. Rep. Saylor discussed attempts being made to solve various phases of the waste disposal problem. p. E2997.
Rep. Ottinger inserted the results of a nationwide poll designed to determine what the attitude of the public is toward protection of our environment. pp. E3048-55.
12. JOB CORPS. Rep. Johnson, Calif., objected to the plan to close 57 Job Corps centers, and inserted an article on the Five Mile (Calif.) Center which is operated by the Forest Service. pp. E3002-3.
13. EMPLOYMENT. Rep. O'Neill, Mass., inserted an article, "The Status of Women in Government." p. E3010.
14. FORESTRY. Rep. Feighan inserted an article, "Reexamine U.S. Forest Policy." p. E3020.
15. REORGANIZATION. Rep. Schwengel inserted an article, "There Is A Role For Systems Analysis In The Congress of the United States." pp. E3020-2.

BILLS INTRODUCED

16. FORESTS. H.R. 10159 by Rep. Baring, to require the Secretary of Agriculture to compensate certain permittees where permits for summer or recreation-type residences on national forest lands are terminated and not renewed; to Agriculture Committee.

H.R. 10175 by Rep. Long of La., to authorize the Secretary of Agriculture to improve the roads and certain other facilities in Kisatchie National Forest in Louisiana; to Agriculture Committee.

H.R. 10177 by Rep. Long of La., to amend title 5, U.S.C., to establish the age of 16 years as the minimum age for employment on national forest lands under the jurisdiction of the Department of Agriculture; to Post Office and Civil Service Committee.

17. TAXATION. H.R. 10168 by Rep. Hechler of W. Va., to assist the States in raising revenues by making more uniform the incidence and rate of tax imposed by States on the severance of minerals; to Ways and Means Committee.

H.R. 10192 by Rep. Podell, to provide for the sharing with the State and local governments of a portion of the tax revenues received by the United States; to Ways and Means Committee.

18. PERSONNEL. H.R. 10176 by Rep. Long of La., to amend title 5, U.S.C., to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps; to Post Office and Civil Service Committee.

19. MEAT IMPORTS. H.R. 10164 by Rep. Denney, to revise the quota-control system on the importation of certain meat and meat products; to Ways and Means Comm.

20. PESTICIDES. H.R. 10170 by Rep. Karth, to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to Agriculture Committee.

21. MILITARY TRAINING. H.R. 10174 by Rep. Koch, Voluntary Military Service Act; to Rules Committee. Remarks of author p. H2718-9.

22. CENSUS. H.R. 10191 by Rep. Podell, to amend title 13, U.S.C., to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to Post Office and Civil Service Committee.

23. ALASKA LAND. H.R. 10193 by Rep. Pollock, to provide for the settlement of certain land claims of Alaska natives; to Interior and Insular Affairs Committee. Remarks of author p. H2720.

24. RIVER BASIN. H.R. 10201 by Rep. Winn, authorizing the construction of certain improvements on the Blue River, vicinity of Kansas City, Mo. and Kans., in the interest of flood control, water quality control, recreation, and fish and wildlife enhancement; to Public Works Committee.

25. CREDIT UNION INSURANCE. H.R. 10208 by Rep. Brown of Mich. to amend the Federal Credit Union Act; to Banking and Currency Committee. Remarks of author pp. E 3003-4.

26. TIME. H.R. 10213 by Rep. Flynt, to amend the Uniform Time Act; to Interstate and Foreign Commerce Committee. Remarks of author p. H2721.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Sept. 24, 1969
For actions of Sept. 23, 1969
91st-1st; No. 153

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HIGHLIGHTS: Senate passed housing bill. House passed environmental quality bill.
Senate passed resolution to continue housing laws for 90-days. Senate debated
food stamp bill. Senate passed bill to increase Tulelake wheat acreage.

SENATE

1. HOUSING. Passed with amendments S. 2864, to amend and extend laws relating to housing and urban development. pp. S11137-65
Agreed to an amendment by Sen. Sparkman (for Mondale) to extend the deadline for grants for basic water and sewer facilities from October 1, 1969, to May 1, 1970. p. S11143
Agreed to an amendment by Sen. Sparkman (for Muskie) providing substitute language for section 303 (utilization of private enterprise in comprehensive planning and public works planning). p. S11146
Agreed to an amendment by Sen. Goodell authorizing an adjustment in mortgage limits if **price** index for calendar year 1968 was higher or lower by at least 3 percent than for 1965 (instead of 1967) and authorizing an adjustment in basic dollar-per-room limitation for public housing projects if building cost index for calendar year 1968 was higher or lower by at least 3 percent than for 1965 (instead of 1967). pp. S11146-7
Agreed to an amendment by Sens. Cranston and Murphy to extend to victims of mud slides, the protection afforded by the Flood Insurance Act of 1968. pp. S11147-8
Passed without amendment S. J. Res. 152, to extend until Jan. 1, 1970, all Federal housing programs which would otherwise expire Oct. 1, 1969, including rural housing under title V of the Housing Act of 1949. p. S11167
2. WHEAT. Passed as reported S. 858, to amend the Agricultural Adjustment Act of 1938 with respect to wheat (pp. S11166-7). Sen. Mansfield inserted an excerpt from the committee report which states, "This bill would increase wheat acreage allotments in the irrigable portion of the Tulalake area of California each year to a total of 12,000 acres.....As amended by the committee amendments, producers would not receive additional marketing certificates as a result of the increase in their allotments; but they would be able to plant their increased allotments without forfeiting all price support and marketing certificates." p. S11166
3. FOOD STAMPS. Began consideration of S. 2547, to extend and revise the food stamp program and to authorize funds therefor through fiscal year 1972 (pp. S11165, S11168-79). Agreed to an amendment by Sen. Aiken to extend the food stamp program to households which might be required to obtain welfare assistance to meet minimum subsistence needs (p. S11173).
4. MEXICAN-AMERICAN. The Government Operations Committee reported with amendments S. 740, to establish the Interagency Committee on Mexican-American Affairs (S. Rept. 91-422). p. S11119
- Both Houses
5. EDUCATION. received from the President the Third Annual Report of the National Advisory Council on Extension and Continuing Education which functions under title I of the Higher Education Act of 1965. pp. S11105, H8262
6. PERSONNEL; TRAVEL. The Government Operations Committee voted to report (but did not actually report) H. R. 337, increasing rate of per diem allowance for Government employees traveling on official business (amended). p. D848
7. LANDS. The Government Operations Committee voted to report (but did not actually report) S.1, proposed Uniform Relocation Assistance and Land Acquisition Policies Act (amended). p. D848

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued October 19, 1969
For actions of October 18, 1969
91st-1st No. 171

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HIGHLIGHTS: House agreed to consider continuing appropriations resolution next week. House received conference report on Great Plains program bill. Senate committee voted to report Virgin Islands and Guam extension service bill. Senate committee voted to report apple marketing orders bill. Senate committee reported uniform relocation bill. Senate committee voted to report PACA license fee bill. Senate committee reported intergovernmental personnel bill.

OCT. 21, 1969

1. LANDS. The Government Operations Committee reported with amendments S. 1, to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs (S. Rept. 91-488). p. S12838

The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law. p. D965

2. PERSONNEL; INTERGOVERNMENTAL COOPERATION. The Government Operations Committee reported with amendments S. 11, to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernment cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments (S. Rept. 91-489). p. S12838

3. APPROPRIATIONS. Passed with amendments H. R. 13763, fiscal 1970 appropriations for the legislative branch (pp. S12958-83). Senate conferees were appointed (p. S12983). House conferees have not been appointed.

Received from the President proposed amendments to the budget for the fiscal year 1970, in the amount of \$4,316,319, for the legislative branch. p. S12838

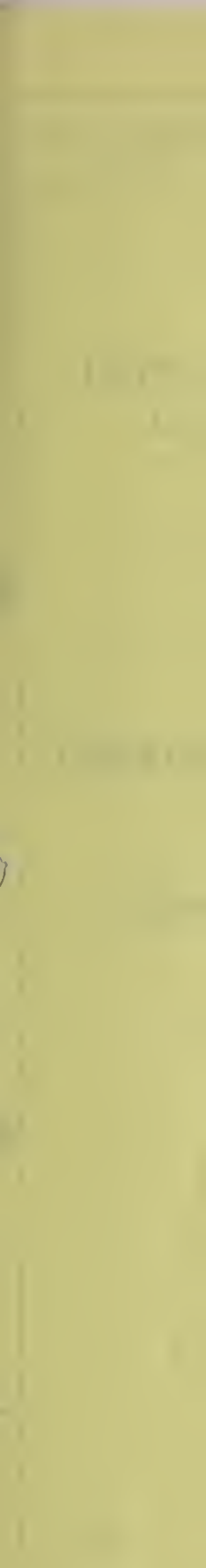
4. EXPORTS. Began consideration of and made the pending business S. 2696, to provide for continuation of authority for the regulation and expansion of exports. p. S12983

5. LICENSE FEES. The Agriculture and Forestry Committee voted to report (but did not actually report) H. R. 9857, to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee. p. D964

6. MARKETING ORDERS. The Agriculture and Forestry Committee voted to report (but did not actually report) S. 1455, to expand marketing order authority to apples produced in Colo., Utah, N. Mex., Ill., and Ohio. p. D964

7. WATERSHEDS. The "Daily Digest" states that the Agriculture and Forestry Committee approved several watershed projects. p. D964

8. CLAIMS. The Interior and Insular Affairs Committee approved an original resolution calling for referral to the Court of Claims of S. 202, providing that the United States disclaim any interests in certain land within the Carson National Forest, N. Mex. p. D965





91ST CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 91-488

UNIFORM RELOCATION ASSISTANCE AND
LAND ACQUISITION POLICIES ACT
OF 1969

REPORT
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES SENATE

MADE BY ITS
SUBCOMMITTEE ON INTERGOVERNMENTAL
RELATIONS

TO ACCOMPANY

S. 1



OCTOBER 21, 1969.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1969

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2251000

UNIFORM RELOCATION ASSISTANCE AND LAND
ACQUISITION POLICIES ACT OF 1969

OCTOBER 21, 1969.—Ordered to be printed

Mr. MUSKIE, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany S. 1]

The Committee on Government Operations, to which was referred the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, having considered the same, reports favorably thereon, with amendment, and recommends that the bill, as amended, do pass.

PURPOSE

S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, is designed to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs, and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs. ✓

The accelerating demands for public services of all kinds, and the attendant growth in population, particularly in urban areas, has brought with it the shattering effect of people displaced from their homes, their neighborhoods, and their businesses to make way for public projects.

In its studies and its hearings, the Subcommittee on Intergovernmental Relations demonstrated, the effects of this displacement and the need for fair and reasonable measures of assistance for those being displaced.

In large part, S. 1 is designed to permit the Federal Government to deal consistently and fairly with all those whose property is taken for public projects and all those who are displaced from their homes and their businesses. It follows as closely as possible the substantive provisions of the Housing and Urban Development Act and the Federal Highway Act, modifying them only as necessary to achieve a system of requirements and aids that can be applied uniformly in all Federal and federally assisted programs.

It gives particular attention to the need for consistency in dealings with property owners and displaced persons. It places responsibility for coordination of all Federal operations under the act in the Executive Office of the President.

The bill further provides that one State or local agency may make relocation payments and provides relocation assistance on behalf of all programs causing displacements in the locality. This will reduce conflict and confusion in the federally aided program areas.

EXPLANATION OF AMENDMENTS

S. 1, as amended, has four titles: "Title I—Definitions," "Title II—Uniform Relocation Assistance," "Title III—Uniform Land Acquisition Policy," and "Title IV—Judicial Review."

Title IV of the amended bill was added by the committee.

The principal changes made by amendment, title by title, are as follows:

TITLE I—DEFINITIONS

As introduced, S. 1 did not provide coverage of the National Capital Housing Authority as a "State agency." Section 101 was amended to exempt the Authority from coverage as a "Federal agency" and to include it within the meaning of "State agency" as set forth in section 103, in order to make the Authority eligible to receive assistance on the same basis as local housing authorities in the several States.

Section 102, as amended, would include the Trust Territories of the Pacific Islands within the meaning of the term "State."

Section 105, as introduced, defined the term "displaced person." The definition has been amended to clarify the status of displaced owners of a business which is partially removed or discontinued due to a Government project, or who is forced to move an outdoor advertising display as a result of the acquisition or reasonable expectation of acquisition of real property.

The committee amended the language of section 105(5) to strike the word "personal" inasmuch as improvements, under certain circumstances, fall in the several categories of property, i.e., real, personal, or mixed. The bill does not offer a definition of "personal property" as such.

Section 106, as introduced, defines the term "business." As amended, the section broadens the definition of business to include supporting industries, by striking reference to the "sale of services to the public" and substituting reference to "sale of services." In addition, section 106, as amended, contains new language recognizing types of businesses that do not themselves sell a commodity or product, but do assist,

indirectly, in such sales. Section 106 further states, as amended, that payment made for moving an outdoor advertising display is limited to the actual expenses incurred in moving the display, and no other. For the purposes of this section, "moving costs" include costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

Section 111, as amended, would revise the definition of "owner" and "person" to include any Indian tribe, band, or group.

TITLE II—UNIFORM RELOCATION ASSISTANCE

S. 1, as introduced, did not provide for comparability of assistance provisions between farm and business operations. Section 211 (c)(1) and (d)(1), as amended, would provide for such comparability of assistance.

In recognition of the problem of small business displacement, the committee added language to section 211(c)(1) providing for assistance on behalf of the so-called mom-and-pop enterprise.

Section 213, as amended, includes provision of more flexible reimbursement provisions to fit the economic characteristics of different parts of the country, in order to take into account extraordinarily high cost-of-living areas.

As introduced, section 214 provided for fund availability for both Federal and federally assisted programs. This section was shifted in order to eliminate possible confusion on the intent of the measure to cover both types of programs, and is now section 254.

S. 1, as introduced, did not provide that relocation payments could be made administratively by the head of the Federal agency acquiring real property nor that none of the relocation provisions in any way affected any condemnation action or the just compensation to be determined or payment to the landowner in such action. Accordingly the committee amended the bill to make such provisions by adding a new subsection 211(h).

In recognition of the fact that relocation assistance might not be available to persons displaced by peculiar sets of circumstance, or who were not otherwise included under the provisions of the bill, the committee added section 233 which is intended to cover such situations.

Thus, section 233 would make eligible for relocation relief residents who and businesses which remained on, or moved to, property after it was acquired by a Federal agency, but left such property on or after January 1, 1969, and before the effective date of the act, providing they remained on the property at least 1 year prior to the date of enactment of the legislation. Such residents and businesses would be covered only where the Federal Government acquired and held the property for at least 5 years prior to the effective date of the act.

All such persons and businesses on the property subsequent to the effective date of the act would be entitled to its benefits if forced to relocate.

TITLE III—UNIFORM LAND ACQUISITION POLICY

With the exception of minor clarifying amendments, this title was approved without change.

TITLE IV—JUDICIAL REVIEW

The committee added title IV which states, in section 401, that provisions of sections 551-553, 559, and 701-706 of title V, United States Code, shall apply to any action of a Federal agency undertaken through titles II and III. For purposes of this title, the definition of "person" contained in section 551(2) of title V, United States Code, is deemed to include a State as defined in section 102 of this act.

Section 402 provides that any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or III of this act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows: (1) If the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property by an action in the judicial district in which the property is situated; and (2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title XXVIII, United States Code.

BACKGROUND

S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, was introduced by Senator Muskie on January 15, 1969, with bipartisan sponsorship, the cosponsors being Senators Anderson, Baker, Bayh, Bible, Boggs, Brooke, Church, Cooper, Curtis, Dodd, Fulbright, Harris, Hart, Hatfield, Hruska, Inouye, Javits, Jordan of Idaho, Kennedy, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale, Montoya, Moss, Mundt, Nelson, Pastore, Pell, Percy, Prouty, Randolph, Ribicoff, Sparkman, Stevens, Tydings, Williams of New Jersey, Yarbrough, and Young of Ohio.

It is a bill devoted to providing the means of assuring consistent and fair treatment of those who are uprooted from their homes and places of business by projects carried out by the Federal Government, and by State and local governments with Federal assistance. It provides for uniform procedures and policies with regard to relocation assistance and land acquisitions.

The introduction of this bill was the culmination of efforts begun in 1965, with the introduction of S. 1681. That bill was designed to implement many of the recommendations filed by the report of the Select Subcommittee on Real Property Acquisition, of the House Committee on Public Works, in 1964. The report showed conclusively the inequity and hardship suffered by hundreds of thousands of families, businessmen, and farmers for the sake of projects intended to benefit the public as a whole.

S. 1681, the Intergovernmental Cooperation Act, as approved by the Senate, would have provided a fair and reasonable measure of assistance on a uniform basis to those displaced by any Federal program, or by any State or local programs which used Federal financial assistance.

Two other related measures addressed themselves to this problem in the 90th Congress, the Federal Aid Highway Act of 1968 and the Urban Development Act of 1968.

The Highway Act included mandatory provision for relocation assistance to those displaced by the Federal aid highway system, borrowing from the provisions of the Intergovernmental Cooperation Act.

The Urban Development Act, which became law on August 1, 1968, added to the relocation assistance already available in housing and urban programs, bringing it close to the level that was proposed by the Intergovernmental Cooperation Act.

There still was lacking, however, a system for applying relocation assistance uniformly in all programs. This is what the Intergovernmental Cooperation Act would have accomplished. However, because of a conflict of committee jurisdiction in the House of Representatives, it was not possible for the Senate and House to agree on this portion of the bill. In the same manner, provisions for uniform policies were eliminated from the bill. At the same time, conferees agreed upon the desirability of enacting legislation covering uniform relocation assistance and land acquisition policies.

The bill is based on the provisions which were included in the Intergovernmental Cooperation Act of 1968, and takes into account past congressional actions on relocation and land acquisition problems. It has benefited from the consideration given to relocation and land acquisition measures by the Committees on Public Works and Banking and Currency, as well as Government Operations.

HEARINGS

Public hearings were held by the Senate Subcommittee on Intergovernmental Relations on February 19, 20, 25, 26, and 27, 1969, on S. 1, the proposed Uniform Relocation Assistance and Land Acquisition Policies Act of 1969.

More than 30 witnesses testified, including, among others: U.S. Senators Charles McC. Mathias, and Joseph D. Tydings, both of Maryland, and Frank E. Moss, of Utah; U.S. Representatives Henry B. Gonzalez, 21st Congressional District of Texas, and Edward I. Koch, 17th Congressional District of New York; Phillip S. Hughes, Deputy Director, Bureau of the Budget, accompanied by James M. Frey, Deputy Director, Office of Legislative Reference; William G. Coleman, Executive Director, Advisory Commission on Intergovernmental Relations, accompanied by David B. Walker, Assistant Director (Governmental Structure and Functions); James L. Martin, assistant director, office of Federal-State relations, National Governors' Conference; Mrs. Gladys N. Spellman, member of the Board of County Commissioners, Prince Georges County, Md., and vice president of the National Association of Counties, accompanied by Jerry Laughlin, legislative assistant, National Association of Counties; Hon. Thomas D'Alesandro, mayor of the city of Baltimore, accompanied by Arthur G. Christensen, acting director for relocation, department of housing and community development; L. Thomas Appleby, vice president for renewal, National Association of Housing & Redevelopment Officials and

president of the United Nations Development Corporation, New York, N.Y., accompanied by Miss Mary K. Nenno, associate director, program policy/research, NAHRO, and Peter R. Reimer, Deputy Director for Operations, Redevelopment Land Agency of Washington, D.C.; Clarence Mitchell, director, Washington bureau, National Association for the Advancement of Colored People, accompanied by Jesse H. Hamilton, chairman of the board of directors of the Frederick Douglass United Community Center, and Anacostia Merchants and Citizens Committee; David K. Hartley, director of institute development, American Institute of Planners; Ross G. Stapp, president, American Association of State Highway Officials, accompanied by A. E. Johnson, executive director; Phillip Tocker, president, Outdoor Advertising Association of America, accompanied by Frank Blake, vice president, and John E. Murray, counsel; Lawson B. Knott, Administrator, General Services Administration, accompanied by Joe E. Moody, Deputy Administrator; Berkeley G. Burrell, president, National Business League, accompanied by Buxton Cooke, associate director of research; Matt Triggs, assistant legislative director, American Farm Bureau; Richard C. Van Dusen, Under Secretary, Department of Housing and Urban Development, accompanied by Sherman Unger, General Counsel; F. C. Turner, Director, Bureau of Public Roads, accompanied by John Jamieson, Acting Federal Highway Administrator; John O'Marra, Assistant Postmaster General Bureau of Facilities, accompanied by David A. Nelson, General Counsel; Woodrow L. Berge, Director of Real Estate, Army Corps of Engineers, accompanied by Loney W. Hart, Chief, Legislative Services, and Roy Markon, Chief, Acquisition Division.

In opening the hearings, Chairman Muskie said:

We begin hearings on legislation to establish a uniform policy with respect to relocation assistance and land acquisition involving Federal and federally assisted programs.

In my opinion, this is as high priority a measure as stands before the Senate today. There are more than 50 Federal programs which result in the condemning of land and, literally, the bulldozing of hundreds of thousands of people from their homes and businesses each year.

A large number of these people are low-income families. They are the elderly. They are small farmers and small businessmen. Most of their entire lives and economic well-being have centered around the property or neighborhoods which are being uprooted.

We know what we are doing to these people, but what are we doing for them? The record is clear. Nearly all federally assisted programs have differing and conflicting provisions for helping those displaced. They range from no assistance at all in some cases to liberal benefits and protection in others, such as that provided by urban renewal.

The letters that we have received from the displaced persons describing the inequities in this treatment are heart rending.

In a typical hardship neighborhood, people on one side of the street were receiving special relocation assistance and fairly negotiated prices for their land, while on the other,

they were being evicted with no assistance and compensation, and prices were being offered by Federal authorities at below the appraised value. Up the street an expressway was coming through with a set of moderate benefits and land-taking policies—a situation which has been cleaned up substantially by last year's Federal Aid Highway Act. And in another section of the neighborhood, small businesses were receiving little or no assistance either in relocation or economic adjustment.

The supreme irony of this is the fact that these were problems caused by Federal programs where Federal taxpayer money was involved.

This lack of uniformity only provides irritation and confusion in the communities affected. It provides an unfortunate image of the Federal Government at the State and local level. It results in a continuing and annoying conflict between Federal agencies and State and local aid recipients. And it undermines confidence in and support for Government programs.

This problem has been explored in depth by the subcommittee over the past 4 years. Building on the recommendations of the Select Subcommittee on Real Property Acquisition of the House Public Works Committee, a special report of the Advisory Commission on Intergovernmental Relations, and other basic studies in the field, we held hearings in 1965, and reported out S. 1681, which was passed unanimously by the Senate during the 89th Congress.

Hearings were held again in the 90th Congress, and the legislation was improved and strengthened. It was added as a part of S. 698, the Intergovernmental Cooperation Act, which also passed the Senate unanimously.

During the 90th Congress, Congress included in its Highway Act of 1968 a substantial part of the relocation provisions of S. 698, and expanded HUD's relocation authorizations under the Housing Act of 1949.

Although the House passed S. 698, it did not include the relocation and land acquisition sections of the bill because the House Public Works Committee had not completed its consideration of these issues. Nevertheless, the conferees on S. 698 were in agreement on the desirability of congressional action on a uniform relocation and acquisition bill, and recommended that action be taken as soon as possible.

We understand the House Public Works Committee plans hearings and active consideration of such legislation this session.

The present bill is almost identical with the bill which passed the Senate last year. But, because we have a new administration and several new committee members, I thought it would be desirable to conduct hearings prior to subcommittee and committee action in this Congress.

Our primary objective in sponsoring S. 1 is to establish a uniform policy among Federal agencies, and State and local recipients of Federal funds in their dealings with property

owners and others displaced by Federal or federally aided land acquisitions.

The economic and social problems created by the impact of such acquisitions have long been at the top of our country's list of domestic burdens. Various estimates indicate the displacement of over 1 million families, 180,000 businesses, and 40,000 farms over the next 10 years.

Much of this problem will be relieved by the present relocation and acquisition programs of HUD, and the new programs under the Highway Act to which I have referred. But many other agencies and programs still lack any consistency or identity with requirements of these programs.

The result of these inconsistencies has caused serious confusion and hardship, and will continue to do so unless there is a coordination of all Federal and federally assisted operations in the Executive Office of the President.

The uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and even-handed administration, consistent with protection of individual rights and community needs, no matter what agency is involved.

S. 1 seeks to do this in two ways:

First, it provides for relocation payments, advisory assistance, assurance of available relocation housing, and economic adjustments and other assistance to owners, tenants, and others displaced.

Second, it establishes policies to guide all Federal and federally assisted agencies in negotiation with owners for the acquisition of real property for public use.

The testimony of the witnesses was overwhelmingly in support of the objectives of the legislation—produced suggestions for additions and improvements—all of which were thoroughly considered by the committee.

SECTION-BY-SECTION ANALYSIS

TITLE I—DEFINITIONS

This title contains definitions of 12 terms used frequently in the other two titles of the bill.

Section 101 defines the term "Federal agency" as any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Federal Government corporation, and the Architect of the Capitol. Specifically excluded from this definition is the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency, whose land acquisition activities are more nearly analogous to those of a federally assisted State agency than to those of a Federal agency.

Section 102 defines "State" as is generally found in most Federal statutes, and the definition includes any political subdivision of a State. Also included in the definition of "State" are the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific, and any political subdivision of these areas.

Section 103 defines the term "State agency" to mean any State, any public body, agency, or instrumentality of a State or of a political subdivision of a State, or any public agency or instrumentality of two or more States, or of two or more political subdivisions of a State or States. Specifically included in this definition is the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency, for reasons mentioned in the analysis of section 101.

Section 104 defines the terms "head of a Federal agency" and "head of a State agency" so as to include a duly designated delegate of such agency head.

Section 105 sets forth a comprehensive definition of the term "displaced person." It covers the owner of a business, an operator of a farm, an individual who is head of a family, an individual not a member of a family, a nonprofit organization, and any other person forced to move his personal property from real property. Section 105, however, specifically excludes coverage of any owner of personal property on the premises of another who is under a lease or licensing arrangement to move his property at his own expense.

Section 106 defines the term "business" to mean any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. A payment made for moving an outdoor advertising display is limited to actual expenses incurred in moving the display, and no other.

Such term does not include a farm operation or the activity of an investor in acquiring or holding real property for resale for gain.

Section 107 states that the term "farm operation" shall mean any activity conducted solely or primarily for the production for sale or home use, of one or more agricultural products or commodities, other than timber, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. The production of timber is excluded from the definition of a farm operation, but included in the definition of business in section 106 above, in order that windfall relocation payments may be avoided.

Section 108 defines the term "farm operator" as any owner, part owner, tenant, or sharecropper who operates a farm.

Section 109 provides that the term "family" shall mean two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or guardianship.

Section 110 defines the term "displaced," when used in relation to any person, as any person moved or to be moved from real property on or after the effective date as prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government. Section 253(a) states that such coverage shall become effective 180 days after the date of enactment except for certain federally assisted programs which shall take effect on July 1, 1971, unless the appropriate

contracting State agency complies with the relocation requirements set forth in title II.

Section 111 defines the term "owner" and "person" to mean any individual, and any partnership, corporation, or association, whether organized for profit or not for profit; or any Indian tribe, band, or group.

Finally, section 112 defines "real property" as used in the amended bill as including land, and any interest in land, including but not limited to easements, rights-of-way, water rights, and mineral interests.

TITLE II—UNIFORM RELOCATION ASSISTANCE

Declaration of policy

Section 201 states that it is the purpose of this title to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal or federally assisted programs to the end that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. It provides that such a policy shall be uniform as practicable as to relocation payments, advisory assistance, assurance of availability of standard housing, and Federal reimbursement for relocation payments under federally assisted programs.

Part A—Federal programs

Relocation payments

Section 211(a) provides that heads of Federal agencies are required to make fair and reasonable relocation payments to displaced persons in accordance with regulations established by the President under section 241 of the act. This is the authority for the basic method of reimbursement for those who wish to follow the traditional administrative route.

Section 211(b) provides an alternative method of reimbursement, intended primarily to assist lower income displacees. It would make payments to him in prescribed amounts without having to go through the more complicated process of administrative analysis and determination. A displaced person moving from a dwelling would receive (1) a moving expense allowance not to exceed \$200; and (2) a dislocation allowance of \$100.

Section 211(c) begins a series of payments to be made to displacees in addition to those included in section 211 (a) and (b), to facilitate the economic readjustment of individuals, businesses, and farms affected by relocation.

Section 211(c) provides for an additional payment to a displaced person who moves or discontinues his business, provided the average annual net earnings of the business are less than \$10,000 a year. The prescribed payment is an amount equal to the average annual net earnings of the business, except that such payment shall not be less than \$2,500 nor more than \$5,000. In the case of a displaced person who is 60 years of age or older, the payment shall be in an amount equal to three times the average annual net earnings of the business or \$6,000, whichever is less. The additional payments authorized by this subsection may be made only when it is found that the business cannot be relocated without a substantial loss of its existing patronage and

that the business is not a part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or a similar business.

For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business moves from the real property acquired, and includes any compensation paid by the business to the owner, his spouse, or his dependents during such 2-year period.

Section 211(d) provides for an additional payment to any displaced person who moves or discontinues a farm operation, provided his average annual net earnings of the operation are less than \$10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than \$2,500 nor more than \$5,000. In the case of a displaced person who is 60 years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or \$6,000, whichever is less.

Where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the property not acquired is no longer an economic unit.

For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such farm operation moves from the real property acquired, and includes any compensation paid by the farm operation to the owner, his spouse, or his dependents during such 2-year period.

Section 211(e) provides for an additional payment, not to exceed \$5,000, to a displaced person who is the owner-occupier of real property which is improved by a single-, two-, or three-family dwelling, provided he purchases another dwelling within 1 year from the date of his displacement. The payment shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate to accommodate the displaced owner, readily accessible to public services and places of employment.

To be eligible for this payment, the owner must have occupied the property "for not less than 1 year prior to the initiation of negotiations" for its acquisition. It is not intended that the owner be required to actually occupy the property at the date negotiations commence. The 1-year occupancy requirement would be satisfied by an owner who has occupied the property after the commencement of the project and for at least 1 year prior to his move.

The Secretary of Housing and Urban Development shall determine the prices prevailing in the locality for dwellings meeting the requirements of paragraph (1) of this subsection for all agencies making such payments.

Section 211(f) provides for an additional payment to an individual or family displaced from a dwelling and not eligible to receive a payment under the above section, provided such dwelling was actually

and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for acquisition of the property.

Such payment shall not exceed \$1,500, and shall be an amount which (1) is necessary to make the downpayment on a dwelling; or (2) be the amount which, when added to 20 percent of the income of the displaced person during the 2-year period immediately preceding displacement, equals the average rental required for a 2-year period for a decent, safe, and sanitary dwelling of modest standards adequate to accommodate the displaced person or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. Such payment here shall be made only to an individual or family who is unable to secure a dwelling unit in low-rent housing assisted under the U.S. Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as such federally assisted program, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

The Secretary of Housing and Urban Development is made responsible for determining, for all Federal agencies, the amount of assistance under this subsection in accordance with family size, family or individual income, average rents required, and similar considerations.

Section 211(g) provides that no payment received under this section or under section 231 shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

Section 211(h) provides that payments provided for in the section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of the section shall in any way affect any condemnation action or just compensation to be determined or paid to the landowner in such action.

Relocation assistance programs

Section 212(a) requires that when a Federal agency acquires real property for public use, it shall provide a relocation assistance program which shall offer services as described in section 212(c) set forth below. It also requires that such assistance be supplied to persons occupying property immediately adjacent to the real property acquired where substantial economic injury has been caused by the public improvement.

Section 212(b) requires that Federal agencies administering programs that could be of assistance in the relocation of displaced persons shall cooperate to the maximum extent feasible with the agency causing the displacement to assure that displaced persons received the maximum assistance available.

Section 212(c) spells out the type of relocation assistance programs required by section 212(a). Each such program shall include to the maximum extent practicable such measures, facilities, or services as may be necessary or appropriate in order—

- (1) To determine the needs of displaced families, individuals, business concerns, and farm operators for relocation assistance;
- (2) To assure that within a reasonable period of time prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public and com-

mercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment. The President is authorized to prescribe by regulations situations when such assurances may be waived;

(3) To assist owners of displaced businesses, nonprofit organizations, and farm operators in obtaining and becoming established in suitable business locations or replacement farms;

(4) To supply information concerning the Federal housing programs, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons;

(5) To assist in minimizing hardships to displaced persons in adjusting to relocation; and

(6) To assure the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

States furnishing real property incident to Federal assistance

Section 213 provides that whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute the first \$25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972. The figure is increased to \$27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.

Part B—Federally assisted programs

Part B of title II is concerned with the displacement of persons from their homes, businesses, and farms as a result of real property acquisitions by State and local governments in programs receiving Federal assistance. It is the intention of the committee to apply protection to persons displaced under these federally assisted programs in much the same manner that they are protected under programs of direct Federal acquisition.

Relocation payments and assistance; assurance of availability of housing

Section 231(a) requires, in essence, that State and local governments administering federally assisted development programs must also agree to provide the relocation payments, services, and assurances of available housing that are required of Federal agencies, as a condition for receiving the Federal assistance for the programs involved.

More specifically, the subsection requires (1) the same fair and reasonable payments as provided by section 211(a) subject to regulations and limitations established by the President, (2) the same amounts and under the same terms and conditions as required by section 211 (b), (c), (d), (e) (2), and (f), of title II.

In addition, the subsection requires that the State or local government must provide a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment.

With regard to the additional payment authorized by section 211(e)(1) for the owner-occupant of a dwelling, this subsection provides that no such payment shall be required or included in the project cost under subsection 231(c) if the owner-occupant receives a payment required by the State law of eminent domain having the same purpose and effect as subsection 211(e)(1) and to be a part of the cost of the project for which Federal financial assistance is available.

Section 231(b) requires, as a condition to Federal assistance, the Federal agency shall require the State agency, as (1) part or all of the cost of real property acquisition; (2) part or all of the cost of a public improvement for which real property is to be acquired; or (3) a program which will otherwise result in the displacement of families and individuals, that within a reasonable time prior to actual displacement, satisfactory assurance by the State agency that decent, safe, and sanitary dwellings as required by subsection 231(a)(4) are available for the relocation of each such individual or family.

Section 231(c) is a very basic part of the proposed act. It provides that the cost to a State agency of providing relocation payments and services may be included as part of the cost of the project for which Federal financial assistance made available to the State agency, and the State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs. However, notwithstanding any other law the Federal agency providing such relocation assistance shall contribute the first \$25,000 of the cost of providing such payments to any person displaced prior to July 1, 1972, and that no State agency need agree to make any relocation payment in excess of \$25,000 to any displaced person in order to receive Federal assistance.

The Federal agency providing such relocation assistance shall contribute the first \$27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.

Thus, up to July 1972, Federal agencies are obligated to provide the first \$25,000, or \$27,500 upon that determination noted, per dislocatee as a full Federal contribution. After that, the relocation costs are on a shared basis in line with project formulas.

No exceptions have been made for the highway program. The full Federal contribution (unlike its 1968 legislation) has now been extended to 1972.

Section 231(d) is directed to the prevention of duplication of functions. It seeks uniformity and coordination of relocation assistance programs at State and local levels. It states that any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this title by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

Section 231 (e) and (f) is an administrative section dealing with amendments to the Federal contract with States and localities, and the advancement of the Federal funds for relocation payments. The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)).

Section 232 makes any displacee under any project or program receiving Federal assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966, a displaced person under this title.

Section 233 provides that the head of a Federal agency which has acquired real property and which held the property for 5 years shall have the right to determine whether a person who has met specific qualifications ((1) moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and (2) who has lived on, or conducted a business on, such real property for at least 1 year prior to the date of enactment of this act), has suffered undue hardship and, accordingly, should be offered relocation assistance under sections 211 and 212 of this title.

"Undue hardship" is a factual situation to be determined by the head of the agency. The head of the agency is strictly limited, however, to granting relocation assistance to those displaced persons who fulfill the qualifications otherwise prescribed in this section.

All such persons and businesses on the property subsequent to the effective date of the act would be entitled to its benefits if forced to relocate.

Part C—Authority of President

Section 241(a) sets forth the areas of authority granted to the President in making rules and regulations to carry out the provisions of title II of the proposed act.

First, the subsection requires that relocation payments authorized by section 211 shall be fair and reasonable and as uniform as practicable.

Second, it requires that a displaced person who makes application for relocation payments under section 211(a) shall be reimbursed for or paid his reasonable and necessary expenses in moving himself, his family, his business, farm operation, or other personal property, and for his reasonable and necessary expenses in searching for a replacement property. If he disposes of personal property on moving his business or farm operation and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less.

Finally, he shall also receive reimbursement for such other expenses as may be provided for by regulations issued by the President under this section.

Section 241(a) establishes further requirements. A displaced person who makes proper application for a relocation payment shall be paid promptly after his move, or in hardship cases the President may, by regulation, authorize advance payment. Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of such payment, may have his application reviewed by the head of the agency. Finally, the displacee shall have a reasonable time in which to apply for a relocation payment under title II.

Section 241(b) permits the President, by regulation, to establish a limitation on the amount of a relocation payment authorized under section 211(a) with due consideration to the declaration of policy in section 201 of the title and other provisions of the bill.

Section 241(c) authorizes the President to require affected Federal agencies to use established relocation facilities of other Federal agencies or State and local agencies in carrying out relocation activities. This subsection seeks to eliminate unnecessary expense and overlapping of relocation functions and is intended to assist in promoting more uniform and effective administration of relocation assistance payments.

It is the intent of the Congress in the administration of Federal relocation assistance under section 241(c) that special emphasis and attention be given to stimulating centralized relocation administration among local governments (and combinations of local governments) and State governments. Such centralized relocation administration is essential in the achievement of uniform assistance among all types of displacement programs. Also, such centralized relocation administration can—

- Provide a central place where those displaced can receive information on relocation assistance;

- Enable a local community to coordinate its housing resources, including the programming of new housing;

- Enable a community to coordinate social services related to relocation; and

- Facilitate a well-trained permanent core staff concerned with relocation, regardless of the fluctuating level of displacement in the different programs.

Thus it is expected that Federal assistance will be utilized to support these centralized relocation functions, and other appropriate functions.

Section 241(d) authorizes the President to make such other rules and regulations as may be necessary to carry out responsibilities under this act.

*Part D—General provisions**Severability*

Section 251 is the usual "severability provision" found in many pieces of Federal legislation. It states that if any provision of this title, or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of the provision to other persons or circumstances shall not be affected thereby.

Repealer

Section 252 repeals all existing provisions of Federal law, which are to be replaced by the provisions of this title. Those Federal assistance programs which do not now have relocation provisions are automatically covered by the provisions of this title.

Effective date

Section 253 specifies the times when provisions of title II shall become effective. In general, the title goes into effect 6 months after the date of its enactment, and thereafter all State agencies that are able to do so under their laws will be required to comply with all provisions of the title that are applicable to them. To allow those State agencies which now lack authority for compliance sufficient time, to obtain the needed changes, the date on which sections 231, 232, and 232(a) (4), (5), (6), (7), (8), (9), (10), and (11) applying to federally assisted programs shall take effect on July 1, 1971, except that commencing 180 days after enactment, the provisions of sections 231 and 232 shall be applicable with respect to any grants to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing relocation payments and assistance otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

Fund availability

Section 254 provides that funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

TITLE III—UNIFORM LAND ACQUISITION POLICY

Part A—Federal programs

Title III, like title II, is set forth in two parts; the first, part A, relating to the taking of real property by Federal agencies directly; and the second, part B, related to real property taking by State or local agencies under federally assisted programs.

Uniform policy on land acquisition practices

Section 301(a) set forth a congressional mandate of 12 provisions which Federal agencies must follow in the taking of real property for Federal purposes:

- (1) Transactions shall be conducted in such a manner as to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before the property was acquired.

(2) Every reasonable effort shall be made to acquire real property by negotiated purchase.

(3) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property. Furthermore, a copy of the appraisal report shall be furnished the landowner.

(4) Before the initiation of negotiations for property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation, such amount to be not less than the appraised value of the property as approved by such agency head, and he shall make a prompt offer to acquire the property for the full amount so established. This provision is intended to assure that the Government will reimburse a property owner in an amount which is fair and reasonable, and that its offer to the owner shall not be less than appraised value. It is not intended to preclude effective negotiation or to establish a one-price policy.

(5) Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court an amount not less than the appraised fair value of such property as determined by such agency head, or the amount of the award of compensation in the condemnation proceeding for such property.

(6) The construction or development of public improvements shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property will be required to move from a dwelling, or to move his business or farm operation without at least 90 days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(7) If the head of the Federal agency concerned does not require a building, structure, or other improvement acquired as a part of the real property, he shall where practicable offer to permit its owner to remove it.

(8) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short term occupier.

(9) In no event shall the head of a Federal agency either advance the time of condemnation, or defer the condemnation and the deposit of funds in court for the use of the owner, in order to compel an agreement on the price to be paid for the property. If an agency head cannot reach an agreement with the owner, after negotiations have continued for a reasonable time, he shall promptly institute condemnation proceedings and, at the same time or as soon thereafter as practicable, file a declaration of taking and deposit funds with the court if possession is required prior to the entry of the judgement in the condemnation proceeding.

(10) If an interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall, except as to property to be acquired under section 25 of the Tennessee Valley Authority Act of 1933, as amended, require the Attorney General to institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(11) If only a portion of a parcel or real property is to be acquired, thereby leaving the unacquired portion without economic use, the head of the Federal agency concerned shall offer to acquire the entire property.

(12) In determining the boundaries of a proposed public improvement, the head of the Federal agency concerned should take into account human considerations, including the economic and social effects of such determination on the owners and tenants of real property in the area, in addition to engineering and other factors.

Section 301(b) makes clear that the above provisions shall not affect the validity of any acquisitions by purchase or condemnation.

Buildings, structures, and improvements

Section 302(a) states that if the head of a Federal agency acquires land or any interest in and for public use in a State, he shall acquire a like interest, or greater interest, in all buildings, structures, or other improvements comprising part of the real property so acquired which are required to be removed from the land which, in the opinion of such agency head, will be adversely affected by such public use.

However, there are situations where the buildings, structures, and improvements do not belong to the owner of the land, but are the property of a tenant or other person holding legal possession. In such instance section 302(c) provides that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which shall be determined as the greatest of (1) the contributive value of the improvement to the present use of the entirety; (2) the current cost of replacement less depreciation of the improvement; or (3) the value of the improvement for removal from the property. It is provided (1) that payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) that the fee owner of the land involved shall disclaim any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. It is also provided that no provision of this section shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

Expenses incidental to transfer of title to United States

Section 303 provides for reimbursement of the owner as soon as possible after the real property has been purchased or compensation awarded under condemnation with respect to the following expenses:

(1) Recording fees, transfer taxes, and similar expenses in conveying such real property to the United States;

(2) Penalty costs for prepayment of mortgage incident to such real property, provided that such mortgage shall be of record as required by law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) The pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be canceled under State or local laws.

*Part B—Federally assisted programs**Requirements for approval of contracts or agreements for Federal financial assistance*

Section 321 sets forth the requirements and conditions which must be agreed to by State or local recipients of Federal assistance in connection with projects involving the acquisition of real property.

Section 321(a) states that no Federal assistance will be available to any State or local agency in whole or in part to pay the cost of acquisition of real property or of a public improvement for which real property is to be acquired unless such agency agrees to the following:

(1) That every reasonable effort shall be made to acquire the real property by negotiated purchase;

(2) That the construction or development of the public improvement shall be so scheduled that, to the greatest extent practicable, no person will be required to move from a home, farm, or business location without at least 90 days' written notice from such State agency of the date by which the move is required; and

(3) That it shall be the policy of the head of the State agency, before initiating negotiations for real property, to establish an amount which he believes to be just compensation, under the laws of the State, such amount not to be less than the appraised value of the property as approved by such State agency head and to make a prompt offer to acquire the property for the full amount so established.

Section 804(b) states that no Federal assistance shall be available for land acquisitions by State and local agencies unless such agency agrees to the following:

(1) That no owner will be required to surrender possession of real property before the head of the State agency (a) pays the agreed purchase price; (b) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property; or (c) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) That the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses necessarily incurred for—

(a) Recording fees, transfer taxes, and similar expenses in conveying such real property to the United States;

(b) Penalty costs for prepayment of mortgage incident to such real property; and

(c) The pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be canceled under State or local laws.

(3) That any decrease in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property; and

(4) That for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement will be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the State agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety; (2) the current cost of reproduction less depreciation of the improvements; or (3) the value of the improvement for removal from the property; provided (1) that payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) that the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements; provided further, that no provision of this paragraph (2) shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

Provisions repealed

Section 322 repeals sections of the Housing Act of 1949 and of the Federal Aid Highway Act of 1968 which will be superseded by provisions of this title.

Effective date

Section 323 specifies the times when provisions of title III shall become effective. In general, the title goes into effect 6 months after the date of its enactment, and thereafter all State agencies that are able to do so under their laws will be required to comply with all provisions of the title that are applicable to them. To allow those State agencies which now lack authority for compliance sufficient time to obtain the needed changes, the date on which section 321(b), applying to federally assisted programs, and section 322, repealing certain existing Federal statutes, become fully effective is deferred to July 1, 1971.

TITLE IV—JUDICIAL REVIEW

Section 401 makes appropriate provisions of the Administrative Procedure Act applicable to all actions of a Federal agency under titles II and III. For clarification, the term "person" contained in such provisions shall be deemed to include a State as defined in the proposed act, section 102.

Section 402 states that any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) If the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) In all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (matter omitted enclosed in brackets; new matter printed in italic; existing law in which no change is reported shown in roman):

MOVING EXPENSES RESULTING FROM ACQUISITION OF LANDS BY
SECRETARY OF INTERIOR

The bill repeals 43 U.S.C. 1231–1234, relating to payment of moving expenses resulting from acquisition of lands by the Secretary of the Interior:

[MOVING EXPENSES RESULTING FROM ACQUISITION OF LANDS BY
SECRETARY OF INTERIOR

[§ 1231. Payment of moving expenses to owners and tenants of lands acquired for developments; limitation on amount; application for payment.

[The Secretary of the Interior is authorized, to the extent administratively determined by him to be fair and reasonable, to reimburse the owners and tenants of lands acquired for the construction, opera-

tion, or maintenance of developments under his jurisdiction for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition, which reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Secretary. No payment under sections 1231—1234 of this title shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Secretary within one year from the date upon which the premises involved are vacated or, in the case of lands acquired and vacated prior to May 29, 1958 but after July 14, 1952, within one year from May 29, 1958. (Pub. L. 85-433, § 1, May 29, 1958, 72 Stat. 152.)

[§ 1232. Administration; rules and regulations; exemption from Administrative Procedure Act.]

[The Secretary may perform any and all acts and make such rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of sections 1231—1234 of this title. All functions performed under this Act shall be exempt from the operation of sections 1001—1011 of Title 5, except as to the requirements of section 1002 of Title 5. (Pub. L. 85-433, § 2, May 29, 1958, 72 Stat. 152.)]

[§ 1233. Definitions.]

[As used in sections 1231—1234 of this title, the term “lands” shall include interests in land; the term “acquisition” and its cognates shall include the exercise of a right-of-way upon lands subject thereto under section 945 of this title; and the term “fair value” shall, in the case of interests in land and of rights-of-way under section 945 of this title, mean a fair value of the interest acquired or of the right-of-way occupied. (Pub. L. 85-433, § 3, May 29, 1958, 72 Stat. 152.)]

[§ 1234. Availability of appropriations.]

[Funds appropriated for the construction, operation, or maintenance of developments under the jurisdiction of the Secretary shall also be available for carrying out the provisions of sections 1231—1234 of this title. (Pub. L. 85-433, § 4 May 29, 1958, 72 Stat. 152.)]

NATIONAL AERONAUTICS AND SPACE ACT OF 1958

The bill repeals paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473(b)(14)):

[§ 2473. Functions of the Administration.]

[(b) In the performance of its functions the Administration is authorized—

[(14) to reimburse, to the extent determined by the Administrator or his designee to be fair and reasonable, the owners and tenants of land and interests in land acquired on or after November 1, 1961, by the United States for use by the Administration by purchase, condemnation, or otherwise for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of said

acquisition. Such reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law to be made to such owners and tenants. The total of any such reimbursement to any owner or tenant shall in no event exceed 25 per centum of the fair value, as determined by the Administrator, of the parcel of land or interest in land to which the reimbursement is related. No payment under this paragraph shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Administrator within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to, an order of a court, or (b) the date upon which the parcel of land or interest in the land involved is vacated, whichever first occurs. The Administrator may perform any and all acts and make such rules and regulations as he deems necessary and proper for the purpose of carrying out this paragraph. All functions performed under this paragraph shall be exempt from the operation of sections 1001-1011 of Title 5, except as to the requirements of section 1002 of Title 5. Funds available to the Administration for the acquisition of real property or interests therein shall also be available for carrying out this paragraph.】

DEPARTMENT OF DEFENSE—REIMBURSEMENT OF OWNERS OF PROPERTY
ACQUIRED FOR PUBLIC WORKS PROJECTS FOR MOVING EXPENSES

The bill repeals section 2680 of title 10 of the United States Code:

【§ 2680. Reimbursement of owners of property acquired for public works projects for moving expenses.

【(a) Under regulations approved by the Secretary of Defense and without regard to sections 551-559 and 701-706 of title 5, the Secretary of a military department, or his designee, may, upon application by the owners and the tenants of land to be acquired for a public works project of his department, reimburse those owners and tenants for those expenses, losses, or damages that he determines to be fair and reasonable and that are incurred by them as a direct result of moving themselves and their families and possessions because of that acquisition. However, application for reimbursement must be made within one year after that acquisition or within one year after the property is vacated, whichever date is later, and be accompanied by an itemized statement of the expenses, losses, and damages incurred.

【(b) The total payments under this section with respect to a parcel of land may not be more than 25 percent of the fair value of that land, as determined by the Secretary of the military department concerned. They are in addition to, but may not duplicate, any other payments that may be made under law as a result of acquisition of that land.

【(c) Any funds appropriated for civil or military public works may be used to make payments under this section. (Added Pub. L. 87-651, title I, § 112(c), Sept. 7, 1962, 76 Stat. 511).】

FEDERAL-AID HIGHWAY ACT OF 1962

The bill repeals section 133 of the Federal-Aid Highway Act of 1962 (23 U.S.C. 133):

【§ 133. Relocation assistance.

【(a) As used in this section the term "eligible person" means any individual, family, business concern (including the operation of a farm) and nonprofit organization to be displaced by construction of a project.

【(b) The Secretary prior to his approval of any project under section 106 of this title for right-of-way acquisition or actual construction shall require the State highway department to give satisfactory assurance that relocation advisory assistance shall be provided for the relocation of families displaced by acquisition or clearance of rights-of-way for any Federal-aid highway.

【(c) The Secretary shall approve, as a part of the cost of construction of a project on any of the Federal-aid highway systems, such relocation payments as may be made by a State highway department, or a local public agency acting as an agent for the State highway department for this purpose, to eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project. However, the Secretary shall not require a State to pay relocation payments where not authorized by State law.

【(d) Payments under this section shall be subject to such rules and regulations as may be prescribed by the Secretary, and shall not exceed \$200 in the case of an individual or family, or \$3,000 in the case of a business concern (including the operation of a farm) or nonprofit organization. In the case of a business (including the operation of a farm) and in the case of a nonprofit organization, the allowable expenses for transportation under this subsection shall not exceed the cost of moving 50 miles from the point from which such business or organization is being displaced. Such rules and regulations may include provisions authorizing reimbursement for payments made to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses.

【(e) This section shall apply only with respect to projects approved under section 106 of this title after the date of enactment of this section. (Added Pub. L. 87-866, § 5(a), Oct. 23, 1962, 76 Stat. 1146.)】

URBAN MASS TRANSPORTATION ACT OF 1964

The bill repeals the relocation payments provision, section 7(b) of the Urban Mass Transportation Act of 1964 (78 Stat. 305) (49 U.S.C. 1606(b)):

【(b) Notwithstanding any other provision of this chapter, financial assistance extended to any project under section 1602 of this title may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project

under section 1602 of this title, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property, except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Secretary, and shall not exceed \$200 in the case of an individual or family, or \$3,000 (or if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property. (Pub. L. 88-365, § 7, July 9, 1964, 78 Stat. 305.)】

HOUSING ACT OF 1949—RELOCATION ASSISTANCE

The bill repeals section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c)):

【(c) Temporary relocation of individuals and families displaced from urban renewal area; relocation assistance program.

【(1) There shall be a feasible method for the temporary relocation of individuals and families displaced from the urban renewal area, and there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the individuals and families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced individuals and families and reasonably accessible to their places of employment. The Secretary shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this subchapter. Such rules and regulations shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of individuals, families, and business concerns occupying property in the urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (A) to determine the needs of such individuals, families, and business concerns for relocation assistance; (B) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, including information as to real estate agencies, brokers, and boards in or near the urban renewal area which deal in residential or business property that might be appropriate for the relocating of displaced individuals, families, and business concerns; and (C) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may effect the carrying out of the relocation program, particularly planned or proposed low-rent housing projects to be constructed in or near the urban renewal area.

[(2) As a condition to further assistance after August 10, 1965, with respect to each urban renewal project involving the displacement of individuals and families, the Secretary shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the local public agency that decent, safe, and sanitary dwellings as required by the first sentence of this subsection are available for the relocation of each such individual or family.]

HOUSING ACT OF 1949—RELOCATION ASSISTANCE

The bill repeals section 114 of the Housing Act of 1949 (78 Stat. 788-789) (42 U.S.C. 1465):

[§ 1465. Relocation.

[(a) Financial assistance to displaced individuals, families, businesses, and nonprofit organizations.

[Notwithstanding any other provision of this subchapter, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this subchapter shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, "displaced" refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

[(b) Payments to business concerns or nonprofit organizations; considerations; maximum amounts.

[A local public agency may pay to any displaced business concern or nonprofit organization—

[(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$3,000 (or, if greater, the total certified actual moving expenses); and

[(2) an additional \$2,500 in the case of a private business concern with average annual net earnings of less than \$10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of real property under the third sentence of section 1452(a) of this title, (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

Notwithstanding the provisions of clause (1) of the preceding sentence, a business concern which is not being displaced from an urban renewal area shall be eligible for payments under such clause (1) of its certified actual moving expenses with respect to its outdoor advertising displays being removed from the urban renewal area in the same manner as though such business concern were being displaced.

[(c) Payments to individuals and families; considerations; computation of amount; maximum amounts; restrictions.

[(1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$200: *And provided further*, That the Secretary may authorize payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

[(2) In addition to any amount under paragraph (1), a local public agency may pay to or on behalf of any displaced family, displaced individual sixty-two years of age or over, or displaced handicapped individual, monthly payments over a period not to exceed twenty-four months in an amount not to exceed \$500 in the first twelve months and \$500 in the second twelve months to assist such displaced family or individual to secure a decent, safe, and sanitary dwelling. The additional payment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average rental required, for a 12-month period, for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family (in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities): *Provided*, That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary to have the same general purposes as the Federal program under such Act or a dwelling assisted under section 1701s of Title 12: *Provided further*, That additional payments under this paragraph may be paid on a lump sum or other than monthly basis in cases in which the small size of the payments that would otherwise be required do not warrant a number of separate payments or in other cases in which other than monthly payments are determined warranted by the Secretary: *And provided further*, That no payment received under this paragraph shall be considered as income for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal Act.

[(3) In addition to any amount under paragraph (1), a local public agency may make a payment to a displaced family or individual, who does not receive the additional payment authorized under paragraph (2) and who is the owner of real property which is acquired for a project assisted under this title and which is improved by a single- or two-family dwelling occupied by the owner for a period of not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be an amount which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market: *Provided*, That such payment may be made only to a displaced owner who purchases

and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project: *Provided further*, That no such payment may be made if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this paragraph and to be part of the cost of the project for which Federal financial assistance is available.

[(d) Payments to individuals, families, business concerns, and nonprofit organizations for recording fees, transfer taxes, incidental expenses, penalty costs, and pro rata taxes.

[In addition to payments authorized to be made under subsections (b) and (c) of this section, a local public agency may pay to any displaced individual, family, business concern, or nonprofit organization reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying real property to a project assisted under the subchapter, (2) penalty costs for prepayment of any mortgage encumbering such real property, and (3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting of title or the effective date of the acquisition of such real property by such agency, whichever is earlier.

[(e) Rules and regulations; finality of administrative decisions; promptness of payments.

[The Secretary is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section and may provide in any contract with a local public agency, or in regulations promulgated by the Secretary, that determinations of any duly designated officer or agency as to eligibility for and the amount of relocation assistance authorized by this section shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred. (As amended Aug. 10, 1965, Pub. L. 89-117, title I, § 101(i), title IV, § 404 (b), (c)(1), 79 Stat. 453, 486; May 25, 1967, Pub. L. 90-19, § 6(b), 81 Stat. 21.)]

HOUSING ACT OF 1937—PRESERVATION OF LOW RENTS

The bill repeals paragraph (7)(b)(iii) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(7)(b)(iii)):

(7) Local responsibilities and determinations.

* * * [(iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the individuals and families displaced from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to

public utilities and public and commercial facilities and at rents or prices within the financial means of such individuals and families, decent, safe, and sanitary dwellings equal in number to the number of and available to such individuals and families and reasonably accessible to their places of employment.】

HOUSING ACT OF 1937—RELOCATION PAYMENTS; DEFINITION

The bill repeals paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)), except the first sentence of such paragraph:

(8) Relocation payments; inclusion with development or acquisition cost for determination of loans and contributions; definition.

* * * 【For purposes of this paragraph, a “relocation payment” is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 1465 (b), (c), and (d) of this title for relocation payments made to individuals, families, business concerns, or nonprofit organizations as the case may be.】

HOUSING AND URBAN DEVELOPMENT ACT OF 1965

The bill repeals, effective July 1, 1971, sections 401, 402, 403, and 404 of the Housing and Urban Development Act of 1965 (79 Stat. 485) (42 U.S.C. 3071–3074):

【Chapter 36.—COMPENSATION OF CONDEMNEDS IN DEVELOPMENT PROGRAMS

【Sec.

3071. Definitions.

3072. Acquisition of realty by eminent domain.

3073. Financing of payments in eminent domain when amount is in dispute.

3074. Relocation payments under federally assisted development programs.

【§ 3071. Definitions.

【For the purposes of this chapter—

【(1) the term “development program” means any program established by or conducted under any of the following provisions of law:

【(A) the United States Housing Act of 1937;

【(B) title I of the Housing Act of 1949;

【(C) the Urban Mass Transportation Act of 1964;

【(D) title II of the Housing Amendments of 1955;

【(E) title VII of the Housing Act of 1961; and

【(F) title VII of the Housing and Urban Development Act of 1965;

[(2) the term "Federal assistance" means a grant, loan, contract of guaranty, annual contribution, or other assistance provided by the United States;

[(3) the term "applicant" means any public body or other agency authorized to receive Federal assistance under a development program;

[(4) the term "real property" means any land, or any interest in land, and (A) any building, structure, or other improvements embedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential or integral part thereof; (B) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (C) any article so designed, constructed, or specially adapted to the purpose for which such real property is used that (i) it is an essential accessory or part of such real property, (ii) it is not capable of use elsewhere, and (iii) it would lose substantially all its value if removed from the real property; and

[(5) the term "Secretary" means the Secretary of Housing and Urban Development. (Pub. L. 89-117, title IV, § 401, Aug. 10, 1965, 79 Stat. 485.)

[§ 3072. Acquisition of realty by eminent domain.

[As a condition of eligibility for Federal assistance pursuant to a development program, each applicant for such assistance shall satisfy the Secretary that the following policies will be followed in connection with the acquisition of real property by eminent domain in the course of such program—

[(1) the applicant shall make every reasonable effort to acquire the real property by negotiated purchase;

[(2) no owner shall be required to surrender possession of real property before the applicant pays to the owner (A) the agreed purchase price arrived at by negotiation, or (B) in any case where only the amount of the payment to the owner is in dispute, not less than 75 per centum of the appraised fair value of such property as approved by the applicant; and

[(3) the construction or development of any public improvements shall be so scheduled that no person lawfully occupying the real property shall be required to surrender possession on account of such construction or development without at least 90 days' written notice from the applicant of the date on which such construction or development is scheduled to begin. (Pub. L. 89-117, title IV, § 402, Aug. 10, 1965, 79 Stat. 485).]

[§ 3073. Financing of payments in eminent domain when amount is in dispute.

[Notwithstanding any other provision of law, financial assistance under any federally assisted development program may include amounts necessary for financing, in the same manner that other costs of a project assisted under such program are financed, the payments described in paragraph (2)(B) of section 3072 of this title. (Pub. L. 89-117, title IV, § 403, Aug. 10, 1965, 79 Stat. 486.)]

RELOCATION PAYMENTS UNDER FEDERALLY ASSISTED DEVELOPMENT PROGRAMS

The bill repeals section 404 of the Housing and Urban Development Act of 1965 (79 Stat. 485, 42 U.S.C. 3074):

【§ 3074. Relocation payments under federally assisted development programs.

【To the extent not otherwise authorized under any Federal law, financial assistance extended to an applicant under any federally assisted development program may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance under such federally assisted development programs, and may cover the full amount of such relocation payments. Any funds available for any such program may be used for such grants. The term "relocation payments" means payments by the applicant, to a displaced individual, family, business concern, or non-profit organization, which are made on such terms and conditions and subject to such limitations (to the extent applicable, but not including the date of displacement) as are provided for relocation payments, at the time such payments are approved, by sections 1465 (b), (c), and (d) of this title with respect to projects assisted under subchapter II of chapter 8A of this title. Relocation payments authorized by this subsection shall be made subject to such rules and regulations as may be prescribed by the Secretary. (Pub. L. 89-117, title IV, § 404(a), Aug. 10, 1965, 79 Stat. 486.)】

DEMONSTRATION CITIES AND METROPOLITAN ACT OF 1966

The bill repeals section 107 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307):

【§ 3307. Relocation requirements and payments; definition; prior displacements.

* * * * *

【(b)(1) To the extent not otherwise authorized under any Federal law, financial assistance extended to a city demonstration agency under section 3305 of this title shall include grants to cover the full cost of relocation payments, as herein defined. Such grants shall be in addition to other financial assistance extended to such agency under such section 3305.

【(2) The term "relocation payments" means payments by a city demonstration agency to a displaced individual, family, business concern, or nonprofit organization which are made on such terms and conditions and subject to such limitations (to the extent applicable, but not including the date of displacement) as are provided for relocation payments, at the time such payments are approved, by section 114(b), (c), (d), and (e) of the Housing Act of 1949 with respect to projects assisted under title I thereof.

【(c) Subsection (b) of this section shall not be applicable with respect any displacement occurring prior to November 3, 1966. (Pub. L. 89-754, title I, § 107, November 3, 1966, 80 Stat. 1259.)】

FEDERAL AID HIGHWAY ACT OF 1968—RELOCATION ASSISTANCE

This bill repeals chapter 5 of title 23, United States Code; and sections 32 and 33 of the Federal Aid Highway Act of 1968 (Public Law 90-495):

[Chapter 5.—HIGHWAY RELOCATION ASSISTANCE

[Sec.

- 501. Declaration of policy.
- 502. Assurances of adequate relocation assistance program.
- 503. Administration of relocation assistance program.
- 504. Federal reimbursement.
- 505. Relocation payments.
- 506. Replacement housing.
- 507. Expenses incidental to transfer of property.
- 508. Relocation services.
- 509. Relocation assistance programs on Federal highway projects.
- 510. Authority of Secretary.
- 511. Definitions.

[§ 501. Declaration of policy.

[Congress hereby declares that the prompt and equitable relocation and reestablishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of the Federal highway programs and the construction of Federal-aid highways is necessary to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Therefore, Congress determines that relocation payments and advisory assistance should be provided to all persons so displaced in accordance with the provisions of this title.

[§ 502. Assurances of adequate relocation assistance program

[The Secretary shall not approve any project under section 106 or section 117 of this title which will cause the displacement of any person, business, or farm operation unless he receives satisfactory assurances from the State highway department that—

[(1) fair and reasonable relocation and other payments shall be afforded to displaced persons in accordance with sections 505, 506, and 507 of this title;

[(2) relocation assistance programs offering the services described in section 508 of this title shall be afforded to displaced persons; and

[(3) within a reasonable period of time prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by the Secretary, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment.

[§ 503. Administration of relocation assistance program.

[In order to prevent unnecessary expenses and duplication of functions, a State highway department may make relocation payments or provide relocation assistance or otherwise carry out the functions

required under this chapter by utilizing the facilities, personnel, and services of any other Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

§ 504. Federal reimbursement.

[(a) The Secretary shall approve, as a part of the cost of construction of a project under any Federal-aid highway program which he administers, the cost of providing the payments and services described in section 502, except that notwithstanding any other law, the Federal share of the first \$25,000 of such payments to any person, on account of any real property acquisition or displacement occurring prior to July 1, 1970, shall be increased to 100 per centum of such cost.

[(b) Any project agreement with a State highway department executed before the date of enactment of this chapter with respect to property which has not been acquired as of the date of enactment of this chapter under any such program shall be amended to include the cost of providing the payments and services described in section 502 with respect to such property.

§ 505. Relocation payments.

[(a) PAYMENTS FOR ACTUAL EXPENSES.—Upon application approved by the State agency, a person displaced by any highway project approved under section 106 or section 117 of this title may elect to receive actual reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property.

[(b) OPTIONAL PAYMENTS—DWELLINGS.—Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

[(1) a moving expense allowance, determined according to a schedule established by the Secretary, not to exceed \$200; and

[(2) a dislocation allowance of \$100.

[(c) OPTIONAL PAYMENTS—BUSINESSES AND FARM OPERATIONS.—Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in lieu of the payment authorized by subsection (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the State agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term 'average annual net earnings' means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period.

§ 506. Replacement housing

[(a) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the Secretary, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project. No such payment shall be required or included as a project cost under section 504 of this title if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this section and to be part of the cost of the project for which Federal financial assistance is available.

[(b) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed \$1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

§ 507. Expenses incidental to transfer of property.

[(a) In addition to amounts otherwise authorized by this title, the State shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date of final approval by the State of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State, or the effective date of the possession of such real property by the State, whichever is earlier.

[(b) No payment received under this chapter shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

§ 508. Relocation services.

[(a) Each State shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

[(1) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

[(2) to assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Secretary for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment;

[(3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations; and

[(4) to supply information concerning the Federal Housing Administration home acquisition program under section 221(d)(2) of the National Housing Act, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons.

[(b) Nothing in this chapter shall be construed to prohibit any person from exercising any right or remedy available to him under State law with respect to any action of a State agency in carrying out this chapter.

§ 509. Relocation assistance programs on Federal highway projects.

[Notwithstanding any other provision of law, on and after the effective date of this title any Federal agency which acquires real property for use in connection with a highway project authorized by section 107 and chapter 2 of this title or any other Federal law shall, in accordance with regulations issued by the Secretary, provide the payments and services described in sections 502, 505, 506, 507, and 508 of this title. When real property is acquired by a State or local governmental agency for such a Federal project for purposes of this chapter, the acquisition shall be deemed an acquisition by the Federal agency having authority over such project.

§ 510. Authority of the Secretary.

[(a) To carry into effect the provisions of this chapter, the Secretary is authorized to make such rules and regulations as he may determine to be necessary to assure—

[(1) that the payments authorized by this chapter shall be fair and reasonable and as uniform as practicable;

[(2) that a displaced person who makes proper application for a payment authorized for such person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

[(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the head of the State agency making such determination.

[(b) The Secretary may make such other rules and regulations consistent with the provisions of this chapter as he deems necessary or appropriate to carry out this chapter.

§ 511. Definitions.

[As used in this chapter—

[(1) The term 'person' means—

[(A) any individual, partnership, corporation, or association which is the owner of a business;

[(B) any owner, part owners, tenant, or sharecropper who operates a farm;

[(C) an individual who is the head of a family; or

[(D) an individual not a member of a family.

[(2) The term 'family' means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

[(3) The term 'displaced person' means any person who moves from real property on or after the effective date of this chapter as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for a Federal-aid highway, or as the result of the acquisition for a Federal-aid highway of other real property on which such person conducts a business or farm operation.

[(4) The term 'business' means any lawful activity conducted primarily—

[(A) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

[(B) for the sale of services to the public; or

[(C) by a nonprofit organization.

[(5) The term 'farm operation' means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

[(6) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government and any corporation wholly owned by the Government.

[(7) The term 'State agency' means a State highway department or any agency designated by a State highway department to administer the relocation assistance program authorized by this chapter.]

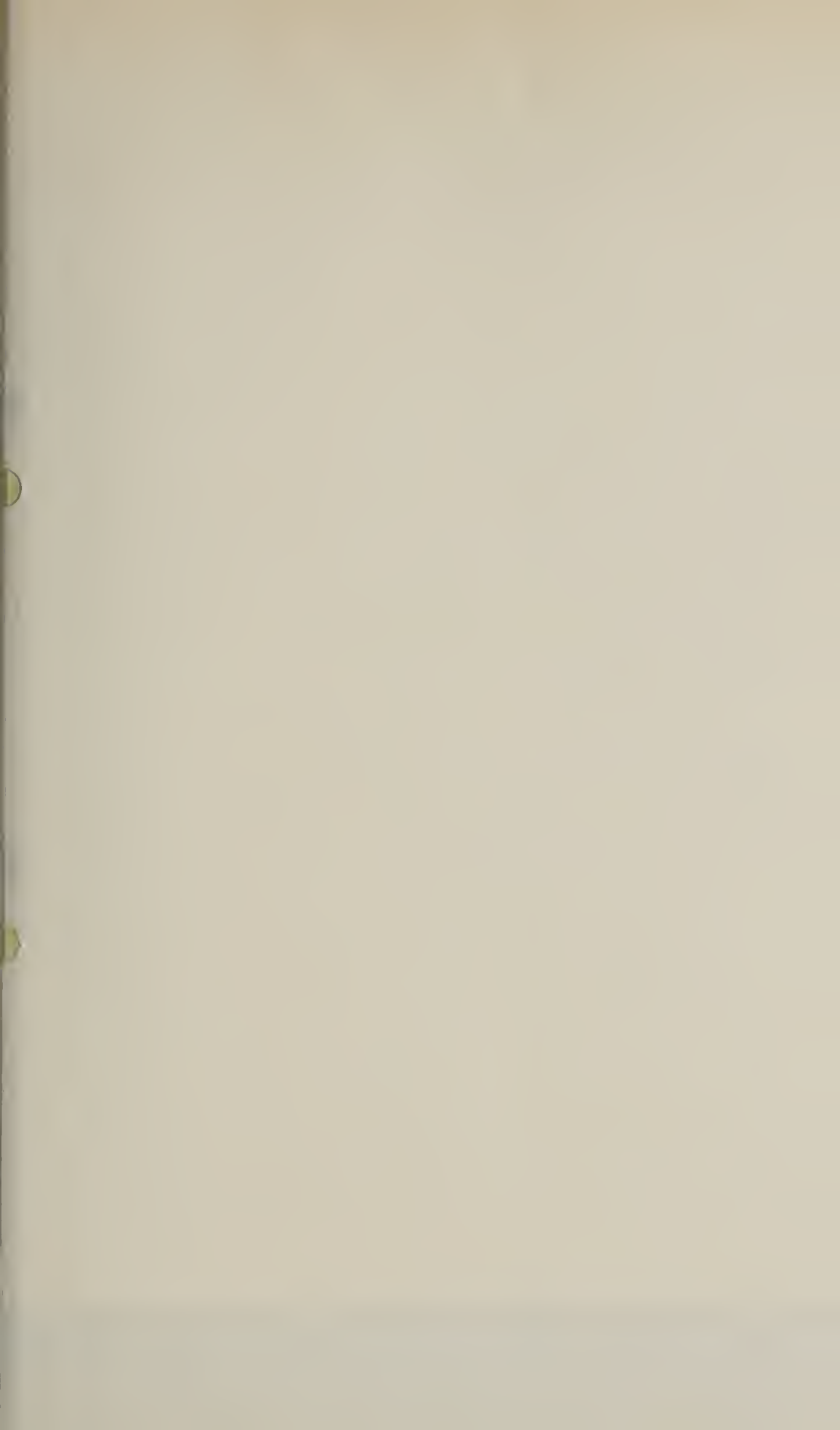
【EMINENT DOMAIN

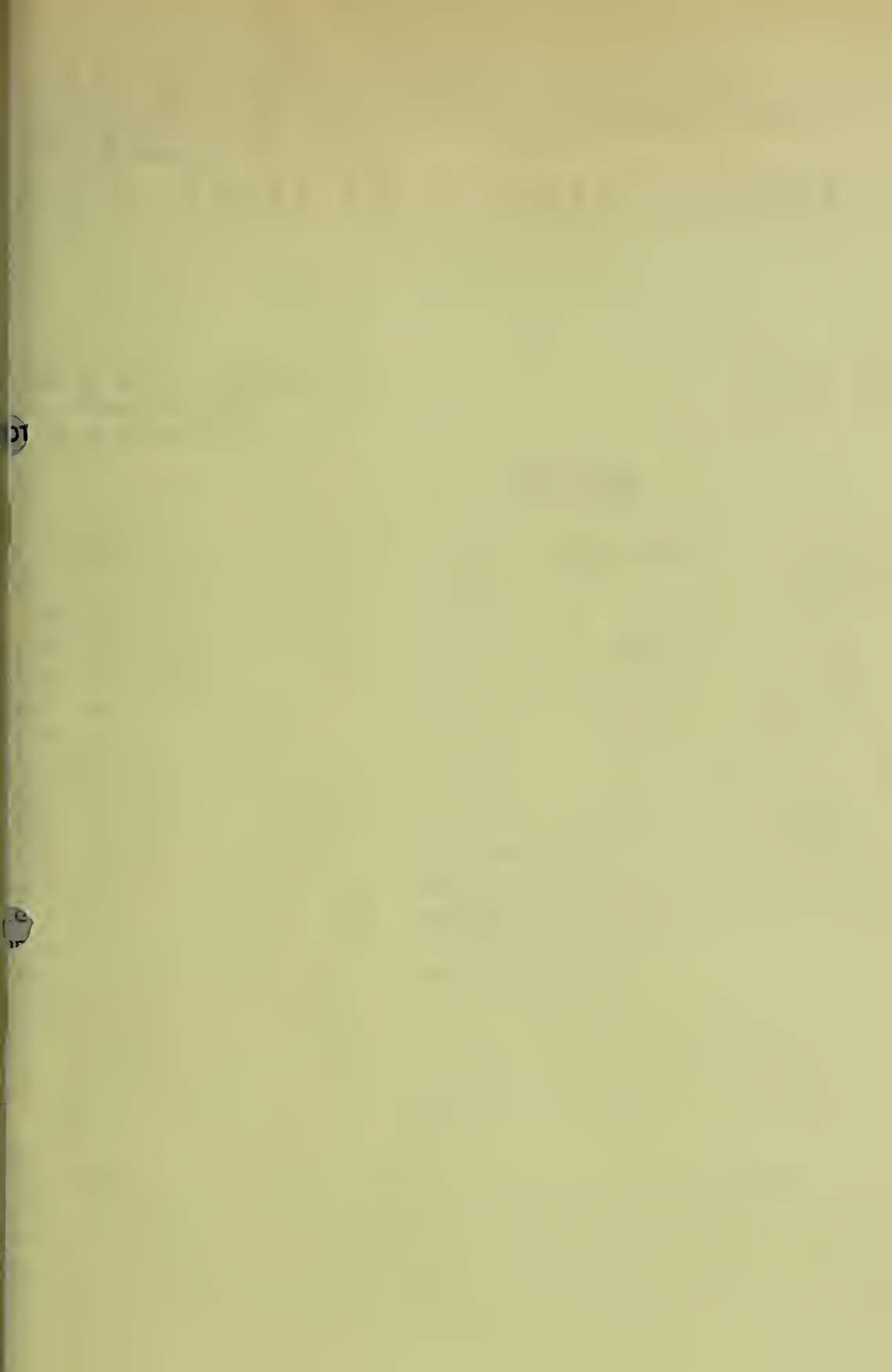
【SEC. 32. Nothing contained in chapter 5 of title 23, United States Code, shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of such chapter 5.

【ANNUAL REPORT

【SEC. 33. The Secretary of Transportation shall report annually to Congress, but no later than January 15 of each year, concerning his administration of chapter 5 of title 23, United States Code, together with his recommendations, including any necessary legislation with respect to such chapter.】







DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued October 24, 1969
For actions of October 23, 1969
91st-1st; No. 173

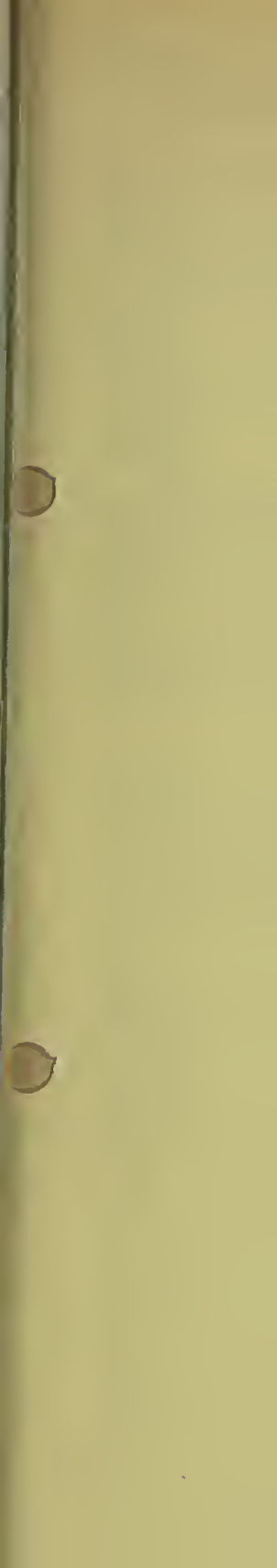
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HIGHLIGHTS: House passed housing bill. House committee reported continuing appropriation resolution. Senate passed apple marketing orders bill. Senate passed bill to increase license fee under Perishable Agricultural Commodities Act. Sen. Dole commended Secretary Hardin's "attempt to arrive at meaningful and satisfactory agricultural legislation." Sens. McGovern and Yarborough introduced and discussed farm bill.

SENATE

1. MERCHANT MARINE. Both Houses received the President's Merchant Marine message (H. Doc. 91-183) announcing a "new maritime program for this nation" (pp. S13101-2, H9943). Several members spoke in support of a new maritime program (pp. S13158, S13194-5, H9944, H9944-5 , S13154-5).
2. MARKETING ORDERS. Passed as reported S. 1455, to amend section 8c(2) (A) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to include Colo., Utah, N. Mex., Ill., and Ohio among the specified States which are eligible to participate in marketing agreements and order programs with respect to apples. pp. S13175-6
3. PERISHABLE COMMODITIES; LICENSE FEE. Passed without amendment H. R. 9857, to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee (pp. S13202-3). Sen. Mansfield inserted an excerpt from the committee report which states, "This bill would amend the Perishable Agricultural Commodities Act to -- (1) Increase the maximum annual license fee to \$100 (from \$50); and (2) Extend the retailer and frozen food broker exemptions to those doing less than \$100,000 worth of covered business annually (now \$90,000)." This bill will now be sent to the President.
4. ROADS. Passed without amendment H. R. 11609, to amend the Act of September 9, 1963, authorizing the construction of an entrance road at Great Smoky Mountains National Park in N. C. (p. S13204). This bill will now be sent to the President.
5. UNIFORM RELOCATION. Began debate on S. 1, the uniform relocation bill. pp. S.13206-12
6. WATERSHEDS. The Public Works Committee approved 17 watershed projects. p. D977
7. EXPORTS. Sen. Mansfield commended the Senate's passing the export expansion proposal. p. S13102
8. MANPOWER PROGRAMS. Received from GAO a report on the effectiveness and administration of the community action program and selected manpower programs under titles I and II of the Economic Opportunity Act of 1964, Los Angeles County, Calif., OEO. p. S13105
9. SOIL CONSERVATION. Received from GAO a report on the opportunities for increasing the effectiveness of the conservation operations program, Soil Conservation Service, USDA. p. S13105
10. PESTICIDES. Sen. Nelson inserted an article, "Why Czechs Banned DDT." pp. S13135-6





PACIFIC ISLANDS TRUST TERRITORY

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 492, S. 232.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 232) to promote the economic development of the Trust Territory of the Pacific Islands.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 23, after the word "on", strike out "outstanding and insert "comparable"; and on page 3, line 20, after the word "of", where it appears the second time, insert "the outstanding amount of"; so as to make the bill read:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited, as the "Trust Territory of the Pacific Islands Economic Development Fund Act of 1969."

SEC. 2. For the purpose of promoting economic development in the Trust Territory of the Pacific Islands, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of the Trust Territory of the Pacific Islands for the purpose of this Act such amount as will result in a Trust Territory Economic Development Loan Fund of \$5,000,000. The Trust Territory Economic Development Loan Fund means the fund established pursuant to section 3 of Public Law 88-487, as augmented by further Federal grants prior to the date of enactment of this Act.

SEC. 3. Prior to receiving any funds pursuant to this Act the government of the Trust Territory of the Pacific Islands shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall set forth the policies and procedures to be followed in furthering the economic development of the Trust Territory of the Pacific Islands through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry therein through a revolving fund for such purposes: *Provided*, That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on comparable marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of the Trust Territory of the Pacific Islands; and that premium charges for the insurance and guarantee of loans shall be established at rates which will be adequate to cover expenses and probable losses related to the loan guarantee program.

SEC. 4. No loan or loan guarantee shall be made under this Act to any applicant who does not satisfy the agency or agencies administering the plan that financing is other-

wise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 2 of this Act shall be limited (a) with respect to all loans, to that degree of participation prudent under the circumstances of individual loan but directly related to the minimum essential participation necessary to accomplish the purposes of this Act, but in no event shall more than 25 per centum of the funds actually appropriated by the Congress be devoted to any single project, (b) with respect to loan guarantees, to a guarantee of 90 per centum of the outstanding amount of any loan: *Provided*, That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantee shall not be less than 25 per centum of the guarantee.

SEC. 5. The plan provided for in section 3 of this Act shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 6. The High Commissioner of the Trust Territory of the Pacific Islands shall make an annual report to the Secretary of the Interior on the administration of this Act.

SEC. 7. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of the Trust Territory of the Pacific Islands administering the plan that are pertinent to the funds received under this Act.

Mr. MANSFIELD. Mr. President, this is a long overdue piece of legislation affecting the authority and the responsibility which rests on the Government of the United States in all the Trust Territory of the Pacific Islands. It is my belief that we have neglected this most important area. It is my belief also that we should go to extraordinary lengths to make sure that the inhabitants of these islands, who are few in number occupying a tremendously large area, are given every possible attention and every consideration.

It is my hope that the lack of care and consideration which has marked our jurisdiction of the Trust Territory in the Pacific Islands since we assumed control of that area at the end of World War II will be recognized and that in the future we will develop deeper, more personal, and better interests in the welfare of these people. They deserve to be treated as Americans even if they are not so considered in name.

This measure is designed to focus our attention on this long neglected responsibility. Strengthening the economic well-being of this area is only the beginning. We must do more and we shall.

Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report

(No. 91-495), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 232, introduced by Senators Burdick, Metcalf, Moss, Stevens, and Bellmon, as amended, is to establish a Trust Territory of the Pacific Islands Economic Development Loan Fund to promote the development of private enterprise and private industry in the trust territory. It would bring the total economic development authorization fund to a \$5 million level.

This fund would be outside the ceiling limitation imposed on the trust territory by the act of June 30, 1954, as amended.

BACKGROUND

The Trust Territory of the Pacific Islands consists of the Caroline and Marshall Islands and all of the Marianas except Guam. Though it comprises 2,100 islands scattered over a 3 million-square-mile area its total land area is only 687 square miles. It has 90,000 inhabitants. The territory is administered by the United States under a trusteeship agreement with the Security Council of the United Nations approved by the President under authority granted by the Congress on July 18, 1947 (61 Stat. 397). The terms of that agreement (61 Stat. 3301) give the United States "full powers of administration, legislation, and jurisdiction" over the former Japanese-administered territory and obligate it to (1) "foster the development of such political institutions as are suited to the Trust Territory and * * * promote the development of the inhabitants of the Trust Territory towards self-government or independence," (2) "promote the economic advancement and self-sufficiency of the inhabitants," (3) "promote the social advancement of the inhabitants, and * * * protect the health of the inhabitants," and (4) "promote the educational advancement of the inhabitants." The U.S. authority is presently vested in a High Commissioner appointed by the President.

Public Law 88-487, among other things, granted approximately \$369,000, which represented the balance in a federally financed revolving fund for loans to private trading companies in the territory, to the local government "for use as a development fund within the trust territory of the Pacific Islands." This fund, assisted by subsequent grants totaling \$550,000, has undertaken an economic development program of limited proportions.

NEED

In February 1967, a comprehensive economic study of the trust territory, prepared by the internationally known economic consulting firm of Robert Nathan Associates, was submitted to the High Commissioner. This study shows that economic resources of the trust territory are limited, yet with suitable guidance and assistance the potentials that exist can be developed. At the present time most of the population is in a subsistence economy. However, at least in the district centers and on Ebeye in the Marshall Island district, this pattern is changing and there is a significant movement into a limited cash economy.

During January 1968, Senator Burdick, chairman of the Territories Subcommittee, along with Senators Metcalf and Moss, made an inspection trip through Micronesia. Aside from a new fish freezing plant in the Palau district, a large cattle ranching enterprise on Tinian and a new first-rate tourist hotel on Saipan, both in the Mariana district, the subcommittee found almost no economic development in the territory. For the most part, the people of Micronesia rely on a subsistence agricultural and fishing economy, or on government input for cash. Economic resources

in Micronesia are not large, however, opportunities for development do exist in agriculture, fishing, construction, wholesale and retail trade and services, tourism and travel, and air and sea transportation. These possibilities can only be realized if capital is made available with which to develop them.

The economic consultants who recently studied the trust territory have pointed out that local private capital from savings or from present private or governmental borrowing cannot meet the total needs. Nor are prospects of obtaining outside capital investment good, in view of the uncertainty of the political future of Micronesia. Thus, there is a definite need for a revolving loan fund such as that provided in the bill.

S. 232 is patterned after S. 1763, the Guam development loan fund bill, which passed the Senate on August 30, 1967.

A bill similar to S. 232 (S. 3073) passed the Senate in 1968 but was not acted upon by the House of Representatives.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 485, S. 1. I do this so that the bill may be the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform equitable land acquisition policies for Federal and federally assisted programs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with amendments on page 2, line 6, after the word "Government", insert "(except the National Capital Housing Authority)"; in line 14, after the word "States," insert "the Trust Territories of the Pacific Islands,"; in line 17, after the word "means", insert "the National Capital Housing Authority,"; in line 19, after the word "and", insert "any State"; on page 3, after line 6, strike out:

(1) any person who is the owner of a business which moves from real property or is discontinued on or after the effective date of this Act prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

And, in lieu thereof, insert:

(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253(a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;

In line 23, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)";

On page 4, line 6, after the word "date", strike out "of this Act," and in-

sert "prescribed in section 253(a)"; in line 9, after the word "agency", strike out the comma and "or which moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency of other real property on which such family conducts a business or farm operation;" in line 16, after the word "date", strike out "of this Act," and insert "prescribed in section 253(a)"; in line 19, after the word "agency", strike out the comma and "or who moves from such dwelling as a result of the acquisition or reasonable expectation of acquisition by such Federal or State agency or other real property on which such individual conducts a business or farm operation;" in line 24, after "(5)" insert "a nonprofit organization which moves from real property on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part by a Federal or State agency, or,".

On page 5, in line 6, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)"; after line 16, strike out:

SEC. 106. The term "business" means any lawful activity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; or (4) for the sale of services to the public. Such term does not include a farm operation or the activity of an investor in acquiring or holding real property for resale for gain.

And, in lieu thereof, insert:

SEC. 106. The term "business" means any lawful entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

On page 7, line 6, after the word "date", strike out "of this Act" and insert "prescribed in section 253(a)"; in line 15, after the word "profit", insert "or any Indian tribe, band, or group."; on page 8, line 16, after the word "Act," insert:

Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor advertising displays being moved as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency. No other payment therefor shall be made under subsections (b)-(f) of this section.

On page 9, line 5, after the word "established", strike out "by the head of the Federal agency," and insert "in accordance with the President's regulations issued under section 241 of this Act,"; in line 16, after the word "the", where it appears the first time, strike out

"business or \$5,000, whichever is the lesser. In", and insert "business, except that such payment shall not be less than \$2,500 nor more than \$5,000. Notwithstanding the preceding sentence, in"; in line 19, after the word "is", strike out "sixty two" and insert "sixty"; in line 20, after the word "be", strike out "increased by" and insert "in"; in line 21, after the word "to", strike out "twice" and insert "three times"; in line 22, after the word "or", strike out "\$5,000," and insert "\$6,000,"; in line 23, after the word "is", strike out "the lesser", and insert "less"; on page 10, line 18, after the word "payment", strike out "in the amount of \$1,000"; in line 21, after "\$10,000", strike out "a" and insert "per"; in the same line, after the word "year," insert:

This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than \$2,500 nor more than \$5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or \$6,000, whichever is less.

In line 8, after the word "longer", strike out "a viable" and insert "an"; in line 19, after the word "to", insert "a displaced person who is"; on page 12, line 5, after the word "chases", strike out "and occupies"; in line 19, after the word "property" insert "(except that this provision requiring occupation of a dwelling ninety days prior to initiation of negotiations shall not apply to a displaced person within the meaning of section 233 of this Act)." in line 22, after the word "Act).", strike out "The additional" and insert "Such"; in line 24, after the word "amount", strike out "which" and insert "which—"; at the top of page 13, insert:

(A) is necessary to make the down payment on the purchase of; or

(B)

On page 13, line 11, after the word "facilities", strike out "Such payment" and insert "A payment made pursuant to subparagraph (B) of this paragraph"; in line 14, after the word "in", strike out "a"; in the same line, after the word "housing", strike out "project"; on page 14, line 3, after the word "section", insert "or under section 231 of this Act"; after line 8, insert:

(h) The payments provided for in this section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of this section shall in any way affect any condemnation action or the just compensation to be determined or paid to the landowner in such action.

On page 15, line 8, after the word "include", strike out the comma and "to the maximum extent practicable,"; in line 25, after the word "displaced", strike out "business and displaced", and insert "businesses, nonprofit organizations, and"; on page 16, at the beginning of line 5, strike out "Housing Administration home acquisition program of the National Housing Acts," and insert "housing programs,"; on page 17, line 4, after the word "contribute", strike out "the first \$25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972."

and insert "to the cost of providing such payments and assistance to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first \$25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first \$27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State."

On page 17, after line 13, strike out:

FUND AVAILABILITY

SEC. 214. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

On page 18, line 14, after "211(a)", insert "including actual moving expenses for moving outdoor advertising displays,"; at the beginning of line 21, strike out "and (d)(2)" and insert "(d), (e)(2), and (f)"; on page 19, line 2, after the word "available", strike out the comma and "to the extent that can reasonably be accomplished,"; in line 13, after "211", strike out "(d)" and insert "(e)"; in line 19, after "211", strike out "(d)" and insert "(e)"; on page 20, line 1, after the word "of", strike out "persons," and insert "families and individuals," at the beginning of line 17, strike out "contribute the first \$25,000 of the cost of providing such payments to any person displaced prior to July 1, 1972," and insert: "contribute, to the cost of providing such payments to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first \$25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first \$27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State."

On page 21, line 4, after the word "subsection", strike out "No State agency need agree to make any relocation payment in excess of \$25,000 to any displaced person in order to receive the assistance authorized by this subsection,"; and insert "In order to receive the assistance authorized by this subsection, no State agency need agree to make any relocation payment in excess of (1) \$25,000 to a displaced person if, at the time of displacement, the person lives in a State which is contiguous to at least one other State, or (2) \$27,500 to a displaced person if, at the time of displacement, the person lives in a State which is not contiguous to any other State."

On page 22, after line 23, insert:

(g) The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)).

On page 23, line 5, after the word "AMENDED" insert "AND TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966".

In line 13, after the word "or" insert "as a result of carrying out a comprehensive city demonstration program under title I of"; after line 17, insert:

DISPLACEMENT BY CERTAIN OTHER PROGRAMS

SEC. 233. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person, for purposes of sections 211 and 212 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least 5 years prior to the effective date prescribed in section 253(a).

On page 24, line 16, after the word "of", strike out "this title," and insert "title II of this Act,"; on page 25, line 7, after the word "moving", strike out "or discontinuing"; in line 8, after the word "operation", strike out "at a price which is less than its replacement value, the amount of the difference between such price and such value" and insert "and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less"; on page 26, line 4, after the word "the", insert "Federal"; on page 28, line 13, after "107", insert "(b) and (c)"; in line 24, after "Sec. 253.", strike out "This" and insert "(a) Except as provided in subsection (b), this title"; on page 29, line 2, after the word "its", strike out "enactment, except that sections 231, 232," and insert "enactment,"; at the beginning of line 4, insert "(b) Sections 231, 232,"; in line 5, after "(9)", strike out "and (10)", and insert "(10), and (11)"; after line 14, insert:

FUND AVAILABILITY

SEC. 254. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

On page 30, line 17, after the word "property", insert "A copy of the appraisal report shall be furnished the landowner,"; in line 25, after the word "decrease", insert "or increase"; on page 31, line 8, after "(5)", strike out "No" and insert "Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no"; in line 15, after "26," strike out "1961" and insert "1931"; on page 33, line 9, after the word "of", strike out "1933" and insert "1933, as amended"; in the same line, after "(48 Stat. 70)", strike out the comma and "as amended"; on page 36, line 24, after the word "the" strike out "earlier." and insert "earlier, unless such

pro rata portion of the taxes may be cancelled under State or local laws,"; on page 39, line 22, after the word "the", strike out "earlier" and insert "earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws,"; in line 25, after the word "decrease", insert "or increase"; on page 41, line 5, after the word "this", strike out the word "subsection" and insert "paragraph"; at the beginning of line 15, strike out "Sec. 323. This" and insert "Sec 323. (a) Except as provided in subsection (b), this"; in line 17, after the word "enactment", strike out the comma and "except that sections"; at the beginning of line 18, insert "(b) Sections"; in line 24, after the word "law", strike out "government" and insert "governing"; and on page 42, after line 2, insert a new title, as follows:

TITLE IV—JUDICIAL REVIEW

SEC. 401. The provisions of sections 551-553, 559, and 701-706 of title 5, United States Code, shall apply to an action of a Federal agency under titles II and III. For purposes of this title, the definition of "person" contained in section 551(2) of title 5, United States Code, shall be deemed to include a State as defined by section 102 of this Act.

SEC. 402. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this Act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) if the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

So as to make the bill read:

S. 1

A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Land Acquisition Policies Act of 1969".

TITLE I—DEFINITIONS

As used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territories of the Pacific Islands, and any political subdivision thereof.

STATE AGENCY

SEC. 103. The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land

Agency and any State, any public body, agency, or instrumentality of a State or of a political subdivision of a State, or any public agency or instrumentality of two or more States or of two or more political subdivisions of a State or States.

HEAD OF AGENCY

SEC. 104. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

DISPLACED PERSON

SEC. 105. The term "displaced person" means—

(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253(a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;

(2) any person who is the operator of a farm operation which moves from real property or is discontinued on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date prescribed in section 253(a), as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(4) any individual, not a member of a family, who moves from real property occupied as a dwelling on or after the effective date prescribed in section 253(a), as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency; or

(5) a nonprofit organization which moves from real property on or after the effective date prescribed in section 253(a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency. Under this paragraph, the term "displaced person" shall not include the owner of personal property on the premises of another under a lease or licensing arrangement where such owner is required pursuant to such lease or license to move such property at his own expense.

BUSINESS

SEC. 106. The term "business" means any lawfully entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

FARM OPERATION

SEC. 107. The term "farm operation" means any activity conducted solely or primarily for the production for sale or for home use, of one or more agricultural products or commodities other than timber, and customarily

producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

FARM OPERATOR

SEC. 108. The term "farm operator" means any owner, part owner, tenant, or sharecropper who operates a farm.

FAMILY

SEC. 109. The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or guardianship.

DISPLACED

SEC. 110. The term "displaced," when used in relation to any person, means any person moved or to be moved from real property on or after the effective date prescribed in section 253(c) as a result of the acquisition or reasonable expectation of acquisition of such property for a public improvement constructed or developed by or with funds provided in whole or in part by the Federal Government.

OWNER AND PERSON

SEC. 111. The terms "owner" and "person" include any individual, or any partnership, corporation, or association, whether organized for profit or not for profit or any Indian tribe, band, or group.

REAL PROPERTY

SEC. 112. The term "real property" as used in this Act shall include land, and any interest in land, including but not limited to, easements, rights-of-way, water rights, and mineral interests.

TITLE II.—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs to the end that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Such a policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) Federal reimbursement for relocation payments under federally assisted programs.

PART A—FEDERAL PROGRAMS

RELOCATION PAYMENTS

SEC. 211. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 241 of this Act. Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor advertising displays being moved as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency. No other payment therefore shall be made under subsections (b)–(f) of this section.

(b) Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

(1) a moving expense allowance, determined according to a schedule established in accordance with the President's regulations issued under section 241 of this Act, not to exceed \$200; and

(2) a dislocation allowance of \$100.

(c) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to any

displaced person who moves or discontinues his business provided the average annual net earnings of the business are less than \$10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the business, except that such payment shall not be less than \$2,500 nor more than \$5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or \$6,000, whichever is less.

(2) No payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business—

(A) cannot be relocated without a substantial loss of its existing patronage; and

(B) is not part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or similar business.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired, and includes any compensation paid by the business to the owner, his spouse, or his dependents during such two-year period.

(d) (1) In addition to amounts otherwise authorized in this section, the head of the Federal agency shall make a payment to any displaced person who moves or discontinues a farm operation, provided the average annual net earnings of the farm operation are less than \$10,000 per year. This payment shall be in an amount equal to the average annual net earnings of the farm operation, except that such payment shall not be less than \$2,500 nor more than \$5,000. Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or \$6,000, whichever is less.

(2) In the case where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the property not acquired is no longer an economic unit.

(3) For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such farm operation moves from the real property acquired, and includes any compensation paid by the farm operation to the owner, his spouse, or his dependents during such two-year period.

(e) (1) In addition to amounts otherwise authorized by this section, the head of the Federal agency shall make a payment to a displaced person who is the owner of real property which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment. Such payment shall be made only to a displaced owner who purchases another dwelling within one year after the date on which he is required to move from the dwelling acquired for the project.

(2) The Secretary of Housing and Urban Development shall determine the prices prevailing in the locality for dwellings meeting

the requirements of paragraph (1) of this subsection for all agencies making such payments.

(f) (1) In addition to amounts otherwise authorized by this section the head of the Federal agency shall make a payment to any individual or family displaced from a dwelling and not eligible to receive a payment under subsection (e) (1) of this section, provided such dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property (except that this provision requiring occupation of a dwelling ninety days prior to initiation of negotiations shall not apply to a displaced person within the meaning of section 233 of this Act). Such payment, not to exceed \$1,500, shall be an amount which—

(A) is necessary to make the down payment on the purchase of; or

(B) when added to 20 per centum of the income of the displaced individual or family during the two-year period immediately preceding displacement, equals the average rental required for a two-year period for a decent, safe, and sanitary dwelling of modest standards adequate in the size of accommodate the displaced individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. A payment made pursuant to subparagraph (B) of this paragraph shall be made only to an individual or family who is unable to secure a dwelling in low-rent housing assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary of Housing and Urban Development to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965.

(2) The Secretary of Housing and Urban Development shall determine the amount of assistance under this subsection according to family size, family or individual income, average rents required, or similar consideration for all agencies making such payments.

(g) No payment received under this section or under section 231 of this Act shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

(h) The payments provided for in this section shall be made administratively by the head of the Federal agency acquiring real property, and none of the provisions of this section shall in any way affect any condemnation action or the just compensation to be determined or paid to the landowner in such action.

RELOCATION ASSISTANCE PROGRAMS

SEC. 212. (a) If the head of any Federal agency acquires real property for public use in a State, he shall provide a relocation assistance program for displaced persons which shall offer the services described in subsection (c) of this section. If the head of such agency determines that persons occupying property immediately adjacent to the real property acquired are caused substantial economic injury because of the acquisition of real property for public use, he may offer such persons relocation services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance program required by subsection (a) of this section shall

include such measures, facilities, or services as may be necessary or appropriate in order—

(1) to determine the need, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

(2) to assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment except that the President may prescribe by regulation situations when such assurances may be waived;

(3) to assist owners of displaced businesses, nonprofit organizations, and farm operators in obtaining and becoming established in suitable locations;

(4) to supply information concerning the Federal housing programs, the small business disaster loan program under section 7(b) (3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons;

(5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and

(6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

STATES FURNISHING REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE

SEC. 213. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute to the cost of providing such payments and assistance to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first \$25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first \$27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State.

PART B—FEDERALLY ASSISTED PROGRAMS RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE OF AVAILABILITY OF HOUSING

SEC. 231. (a) Notwithstanding any other provision of law, on and after the effective date of this section, no grant to, or contract or agreement with a State agency, under which Federal financial assistance will be available to pay all or part of the cost of (1) the acquisition of real property, (2) a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of persons may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement with the head of such Federal agency to provide to displaced persons for moves from such real property—

(1) fair and reasonable relocation payments in the same amounts and under the same terms and conditions as are required to

be made by a Federal agency by section 211 (a), including actual moving expenses for moving outdoor advertising displays, of this title and in accordance with regulations established by the President under section 241 of this title;

(2) relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211 (b), (c), (d), (e) (2), and (f) of this title;

(3) relocation assistance programs offering the services described in section 212(c) of this title;

(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment; and

(5) a payment for owner-occupants under the same terms and conditions as are required to be made by Federal agencies by subsection 211(e) (1) of this Act, except that no such payment shall be required or included as a project cost under subsection 231(c) if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the head of the Federal agency to have substantially the same purpose and effect as subsection 211(e) (1) and to be part of the cost of the project for which Federal financial assistance is available.

(b) As a condition to further assistance to a State agency for (1) part or all of the cost of real property acquisition, (2) part or all of the cost of a public improvement for which real property is to be acquired, or (3) a program which will otherwise result in the displacement of families and individuals, the head of the Federal agency shall require, within a reasonable time prior to actual displacement, satisfactory assurance by the State agency that decent, safe, and sanitary dwellings as required by subsection 231 (a) (4) are available for the relocation of each such individual or family.

(c) The cost to a State agency of providing the payments and services described in subsection (a) of this section may be included as part of the cost of the project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and services in the same manner and to the same extent as with respect to other project costs. Notwithstanding any other law, the Federal agency providing such assistance shall contribute, to the cost of providing such payments to any person displaced prior to July 1, 1972, an amount not to exceed (1) the first \$25,000 of such cost if the displaced person, at the time of displacement, lives in a State which is contiguous to at least one other State, or (2) the first \$27,500 if the displaced person, at the time of displacement, lives in a State which is not contiguous to any other State. Any funds appropriated or otherwise available to a Federal agency for assistance to State agencies for such projects shall be available also for obligation and expenditure to carry out the provisions of this subsection. In order to receive the assistance authorized by this subsection, no State agency need agree to make any relocation payment in excess of (1) \$25,000 to a displaced person if, at the time of displacement, the person lives in a State which is contiguous to at least one other State, or (2) \$27,500 to a displaced person if, at the time of displacement, the

person lives in a State which is not contiguous to any other State.

(d) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section shall provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this title by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(e) Any grant to, or contract or agreement with a State agency executed before the effective date of this section, under which Federal financial assistance is available to pay the cost in connection with the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include the terms and conditions required by subsection (a) of this section.

(f) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, or to provide the funds necessary to meet the requirements of section 321(b)(1) of this Act, he may advance to the State agency the Federal share of such relocation payments and an amount necessary to make the required payments under section 321(b)(1). Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency from Federal sources.

(g) The provisions of this section shall not be applicable to any situation which comes within the provisions of the first sentence of paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415 (8)).

DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSISTANCE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED, AND TITLE I OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

SEC. 232. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to be a displaced person.

DISPLACEMENT BY CERTAIN OTHER PROGRAMS

SEC. 233. Notwithstanding any other provisions of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the effective date prescribed in section 253(a), as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person, for purposes of sections 221 and 212 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least 5 years prior to the effective date prescribed in section 253(a).

PART C—AUTHORITY OF THE PRESIDENT

SEC. 241. (a) To carry out the provisions of title II of this Act, the President is authorized to make such rules and regulations as he may determine to be necessary to assure—

(1) that relocation payments authorized by section 211 shall be fair and reasonable and as uniform as practicable;

(2) that a displaced person entitled to a relocation payment under section 211(a) shall be reimbursed for or paid—

(A) his reasonable and necessary expenses in moving himself, his family, his business, farm operation, or other personal property, and for his reasonable and necessary expenses in searching for a replacement property;

(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less; and

(C) such other expenses authorized by section 211(a) as may be provided for in regulations issued under this section;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move or, in certain hardship cases, the President may, by regulation, authorize advance payment of certain relocation costs;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the Federal agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may, by regulation, establish a limitation on the amount of a relocation payment authorized by section 211 (a) with due consideration for the declaration of policy of this title and the provisions of subsection (a) of this section and section 231(c).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilities, personnel, and services of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations consistent with the provisions of this title as he deems necessary or appropriate to carry out this title.

PART D—GENERAL PROVISIONS

SEVERABILITY

SEC. 251. If any provision of this title, or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of the provi-

sion to other persons or circumstances shall not be affected thereby.

REPEALER

SEC. 252. (a) The following laws and parts of laws are hereby repealed:

(1) the Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234);

(2) paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473);

(3) section 2680 of title 10, United States Code;

(4) section 133 of title 23, United States Code;

(5) section 7(b) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1606(b));

(6) section 105(c) of the Housing Act of 1949 (42 U.S.C. 1455(c));

(7) section 114 of the Housing Act of 1949 (42 U.S.C. 1465);

(8) paragraph (7)(b)(iii) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(7)(b)(iii));

(9) paragraph (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415(8)), except the first sentence of such paragraph;

(10) section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074);

(11) section 107(b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307);

(12) chapter 5 of title 23, United States Code; and

(13) sections 32 and 33 of the Federal Aid Highway Act of 1968 (Public Law 90-495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 253. (a) Except as provided in subsection (b), this title and the amendments made by this title shall become effective one hundred and eighty days after the date of its enactment.

(b) Sections 231, 232, and 252(a)(4), (5), (6), (7), (8), (9), (10), and (11) shall take effect on July 1, 1971, except that commencing one hundred and eighty days after enactment, the provisions of sections 231 and 232 shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing relocation payments and assistance otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

FUND AVAILABILITY

SEC. 254. Funds appropriated or otherwise available to any Federal agency for the acquisition of real property or any interest therein shall be available also for obligation and expenditure to carry out the provisions of this title.

TITLE III—UNIFORM LAND ACQUISITION POLICY

PART A—FEDERAL PROGRAMS

UNIFORM POLICY ON LAND ACQUISITION PRACTICES

SEC. 301. (a) In order to encourage the acquisition of real property by amicable agreements with owners, to relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall be governed by the following policies:

(1) The head of a Federal agency shall conduct transactions for the acquisition of real property in such a manner as to assure to the extent possible that persons whose property is acquired shall not be worse off economically than they were before the property was acquired.

(2) The head of a Federal agency shall make every reasonable effort to acquire real property by negotiated purchase.

(3) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property. A copy of the appraisal report shall be furnished the landowner.

(4) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation, such amount not to be less than the appraised value of the property as approved by such agency head, and shall make a prompt offer to acquire the property for the full amount so established. Any decrease or increase in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

(5) Unless the head of the Federal agency determines that an emergency exists and severe or irreparable damages or injury may be caused by complying with this subsection, no owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner an amount not less than the appraised fair value of such property as determined by such agency head, or the amount of the award of compensation in the condemnation proceeding for such property.

(6) The construction or development of public improvements shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from the head of the Federal agency concerned.

(7) If the head of the Federal agency concerned does not require a building, structure, or other improvement acquired as a part of the real property, he shall, where practicable, offer to permit its owner to remove it. As a condition of removal, an appropriate agreement shall be required whereby the fair value of such building, structure, or improvement for removal from the real property, as determined by such agency head, will be deducted from the compensation otherwise to be paid for the real property, however such compensation may be determined.

(8) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(9) In no event shall the head of a Federal agency either advance the time of condemnation, or defer the condemnation and the deposit of funds in court for the use of the owner, in order to compel an agreement on the price to be paid for the property. If any agency head cannot reach an agreement with the owner, after negotiations have continued for a reasonable time, he shall promptly institute condemnation proceedings and, at the same time or as soon thereafter as prac-

ticable, file a declaration of taking and deposit funds with the court in accordance with the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if possession is required prior to the entry of the judgment in the condemnation proceeding.

(10) If an interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall, except as to property to be acquired under section 25 of the Tennessee Valley Authority Act of 1933, as amended (48 Stat. 70; 16 U.S.C. 831x), require the Attorney General to institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

(11) If only a portion of a parcel of real property is to be acquired, thereby leaving the unacquired portion without economic use, the head of the Federal agency concerned shall offer to acquire the entire property.

(12) In determining the boundaries of a proposed public improvement, the head of the Federal agency concerned shall take into account human considerations, including the economic and social effects of such determination on the owners and tenants of real property in the area, in addition to engineering and other factors.

(b) The provisions of this section shall not affect the validity of any property acquisitions by purchase or condemnation.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provisions of law, if the head of a Federal agency acquires land or any interest in land for public use in a State, he shall acquire a like interest, or greater interest, in all buildings, structures, or other improvements on the land so acquired which are required to be removed from the land or which, in the opinion of such agency head, will be adversely affected by such public use, if such improvements are not required to be removed.

(b) As used in this section, the term "real property" means land, or any interest in land, and (1) any building, structure, or other improvement imbedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential and integral part thereof; (2) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (3) any article so designed, constructed, or specially adapted for the purpose for which such real property is used that (A) it is an essential accessory or part of such real property, (B) it is not capable of use elsewhere, and (C) it would lose substantially all its value if removed from the real property.

(c) (1) For the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (A) the contributive value of the improvement to the present use of the entirety, (B) the current cost of replacement less depreciation of the improvement, or (C) the value of the improvement for removal from the property.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the fee owner of the land involved disclaims any interest in the improvements of the lessee. In con-

sideration for any such payment, the lessee shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. No provision of this subsection shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws.

PART B—FEDERALLY ASSISTED PROGRAMS REQUIREMENTS FOR APPROVAL OF CONTRACTS OR AGREEMENTS FOR FEDERAL ASSISTANCE

SEC. 321. (a) Notwithstanding any other provision of law, on and after the date of enactment of this section no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—

(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;

(2) that the construction or development of the public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least ninety days' written notice from such State agency; and

(3) that it shall be the policy of the head of the State agency, before initiating negotiations for real property, to establish an amount which he believes to be just compensation, under the laws of the State, such amount not to be less than the appraised value of the property as approved by such State agency head, and to make a prompt offer to acquire the property for the full amount so established.

(b) Notwithstanding any other provision of law, no grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property, or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance, unless such State agency has entered into the agreements described in subsection (a) of this section and has also agreed—

(1) that no owner will be required to surrender possession of real property before the head of the State agency (A) pays the agreed

purchase price. (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) that the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(A) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(B) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the State agency; and

(C) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the State or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be canceled under State or local laws;

(3) that any decrease or increase in the value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for the proposed public improvements, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property; and

(4) that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building structure, or improvement at the expiration of his term, and the head of the State agency shall pay to the tenant the fair value of the building, structure, or improvement, which fair value shall be determined by such agency head as the greatest of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property, except that (1) payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements. No provision of this paragraph shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property in-

terests of just compensation as otherwise defined by law.

PROVISIONS REPEALED

SEC. 322. Sections 401, 402 and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073) and section 35 of the Federal Aid Highway Act of 1968 (Public Law 90-495) are hereby repealed.

EFFECTIVE DATE

SEC. 323. (a) Except as provided in subsection (b), this title shall become effective one hundred and eighty days after enactment.

(b) Sections 321 (b) and 322 shall take effect on July 1, 1971, except that commencing one hundred and eighty days after enactment, the provisions of section 321 (b) shall be applicable with respect to any grant to or contract or agreement with a State agency to the extent it is able under its laws to comply with such sections and the provisions of Federal law governing acquisition of real property otherwise applicable to grants to or contracts or agreements with such agency shall be superseded by this title.

TITLE IV—JUDICIAL REVIEW

SEC. 401. The provisions of sections 551-553, 559, and 701-706 of title 5, United States Code, shall apply to an action of a Federal agency under titles II and III. For purpose of this title, the definition of "person" contained in section 551(2) of title 5, United States Code, shall be deemed to include a State as defined by section 102 of this Act.

SEC. 402. Any person or State adversely affected or aggrieved by a final action of a Federal agency under title II or title III of this Act may seek judicial review of such final agency action and demand appropriate relief in a judicial district of the United States as follows:

(1) if the agency action pertains to property or any interest therein acquired or being acquired by the United States, or the ownership or right of the United States to possession of property, by an action in the judicial district in which the property is situated; and

(2) in all other matters, by an action in a judicial district as provided for in section 1391(e) of title 28, United States Code.

Mr. MANSFIELD. Mr. President, no further action will be taken this afternoon. There will be no further votes, but if any Senator wishes to enlighten the Senate, there is plenty of time at their disposal.

ORDER FOR ADJOURNMENT TO MONDAY, OCTOBER 27, 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian Monday next.

The PRESIDING OFFICER (Mr. SAXBE in the chair). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

ADJOURNMENT TO MONDAY, OCTOBER 27, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 22 minutes p.m.) the Senate adjourned until Monday, October 27, 1969, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 23, 1969:

U.S. DISTRICT JUDGE

Philip C. Wilkins of California to be U.S. district judge for the eastern district of California vice Sherrill Halbert, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 23, 1969:

DEPARTMENT OF COMMERCE

Harold C. Passer, of New York, to be an Assistant Secretary of Commerce.

FEDERAL POWER COMMISSION

Albert Bushong Brooke, Jr., of Maryland, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1974.

FEDERAL MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1974.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

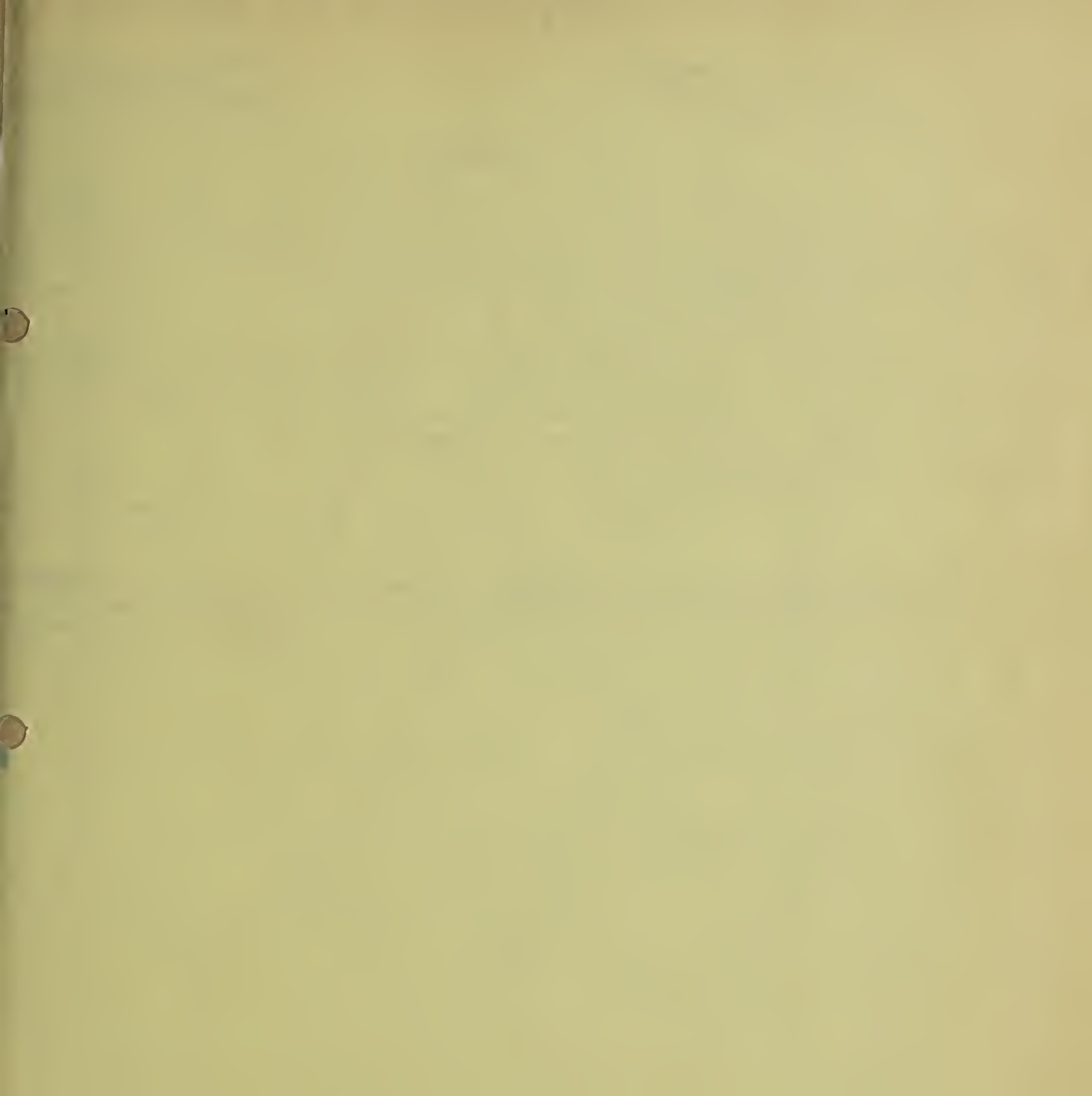
Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

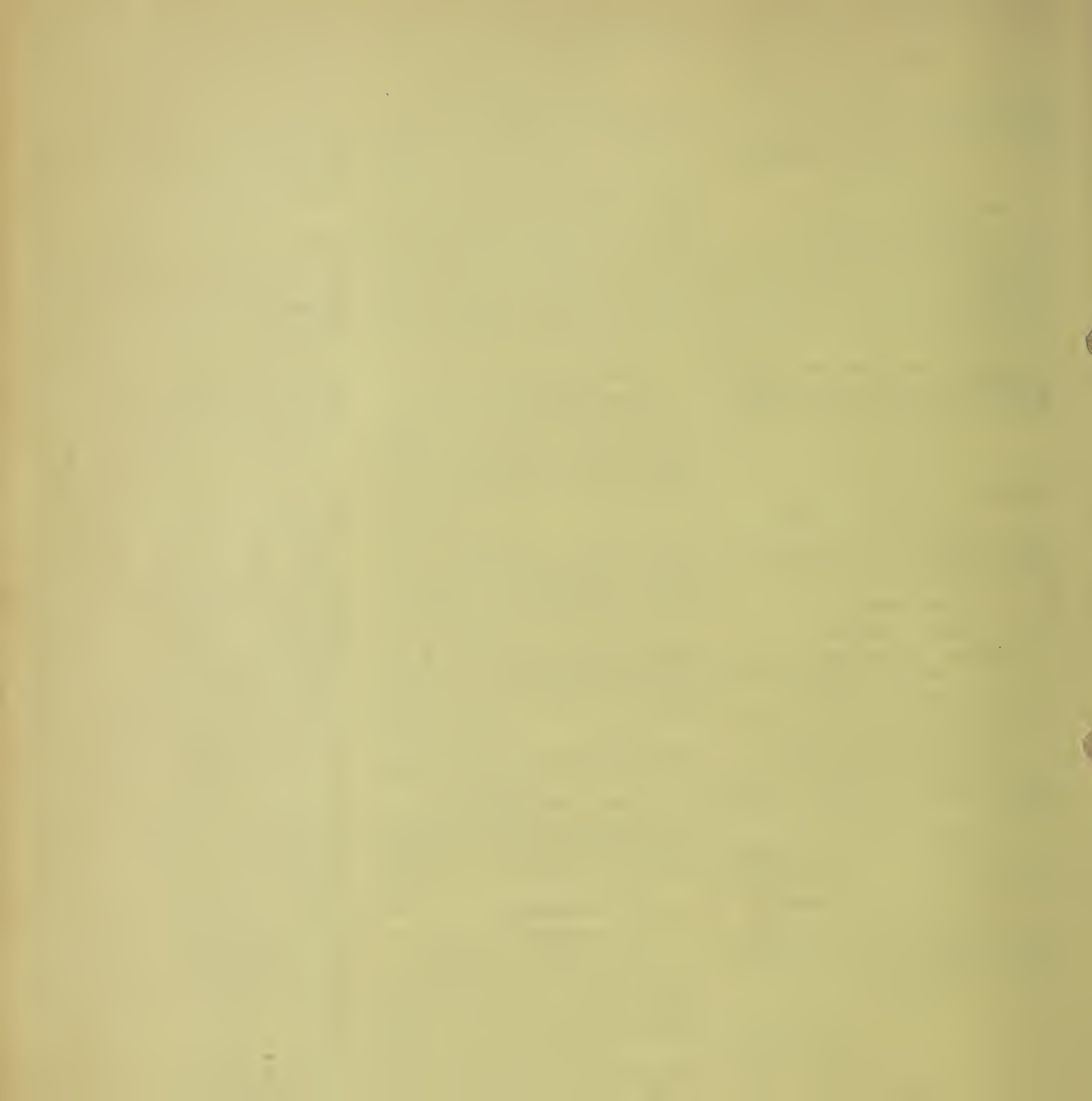
To be captains

Jack E. Guth
Robert E. Williams
Robert C. Munson
Gerald E. Haraden

To be lieutenant

Robert D. Hickson, Jr.





DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Oct. 28, 1969
For actions of Oct. 27, 1969
91st-1st No. 174

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HIGHLIGHTS: Senate passed uniformed relocation bill. Senate passed inter-governmental personnel bill. Rep. Mahon inserted fact sheet on continuing appropriation resolution.

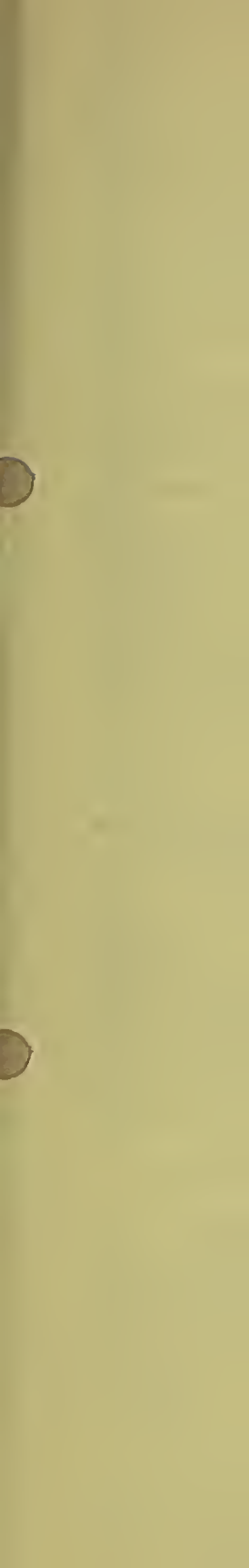
SENATE

1. LANDS. The Interior and Insular Affairs Committee reported with amendment S. 2062, to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law (S. Rept. 91-499). p. S13217

Received from the Interior Department a report of the receipts and expenditures of the Department in connection with the administration of the Outer Continental Shelf Lands Act of 1953. p. S13217

Passed as reported S. 1, to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs (pp. S13277-81). Sen. Muskie stated in the debate that, "This bill has one basic purpose and that is to make these people so displaced 'economically whole'...However, when the fair price is paid for the property it does not provide for expenses that are incurred by the owner for being disrupted and in seeking a new location for his home or business. This bill would seek to compensate for these expenses and would seek to establish uniform land acquisition policies in the hope that the Government as buyer and the landowner as seller can arrive at a just price without going into condemnation court."

2. HAZARDOUS TOYS. Agreed to the conference report on S. 1689, to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards. This bill will now be sent to the President. p. S13278
3. INTERGOVERNMENTAL PERSONNEL. Passed as reported S.11, to reinforce the Federal system by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments. pp. S13281-91
4. MEDICARE. Sen. Aiken inserted articles on the "costs crisis in medicare." pp. S13214-5
5. SUGAR. Received from GAO a report on foreign aid provided through the operations of the U. S. Sugar Act and the International Coffee Agreement. p. S13217
6. EMPLOYMENT. Both Houses received several reports from GAO on the effectiveness and administrative efficiency of the concentrated employment program under title IB of the Economic Opportunity Act of 1964. pp. S13217, H10103





One flaw the study cites is the frequent inability of social research to cut across the narrow boundaries of the different fields. To correct this, the study recommends the establishment of a new kind of graduate school specializing in applied behavioral research.

Another is the lack of hard data on which social scientists can base their analysis. The study recommends "a major effort to develop improved social indicators: measures that reflect the quality of life."

This would cost about \$1.5 million, the study estimates, and should be done by the federal government.

These indicators would be reported and explained in the annual social report. Because of the problems in developing these indicators, the study says the report should be privately produced until it is solid enough "to signal meaningful changes in the quality of life."

The next step would be the formation of the Council of Social Advisers to draw up the report for the President.

The study also calls for a National Data System, with safeguards for privacy, to collect information needed by the social scientists.

To provide this new dimension for government policy-makers, the study recommends a continued increase in the funds appropriated for social science research.

In 1967, the study says, public and private sources spent \$803 million on social science research projects—double the amount spent five years earlier.

The federal share has increased about 20 per cent a year, and the study recommends that future increases should drop to about 12 to 18 per cent a year "to sustain normal growth."

Federal funding for social science research amounted to \$297 million in 1967.

The new projects recommended in the report—amounting to about \$100 million a year—would be added to the research funding.

The study was drafted by a 21-member committee, with representatives from all the social sciences, headed by Ernest R. Hilgard of Stanford University and Henry W. Riecken of Washington.

It is one of a series of studies prepared by the National Academy of Sciences surveying the status, needs and opportunities of the various sciences. The full study will be published as a book by Prentice-Hall Inc.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. A bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

The Senate resumed consideration of the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ALBERT PARVIN FOUNDATION

Mr. WILLIAMS of Delaware. Mr. President, in the October 23 issue of the Washington Post there was published an article written by Jean Heller, entitled "Financing of Parvin Unit Traced."

This article calls attention to a hotel-casino sale arranged by gangster Meyer Lansky which helped finance a foundation that for 9 years was headed by Supreme Court Justice William O. Douglas.

During this period Justice Douglas was on the payroll as the top officer, and while the article quotes him as claiming he knew nothing about the deal it is hard to understand how the highest paid officer of the foundation would not be aware of its activities. To accept this explanation would be to proceed on the premise that the \$12,000 annual payment to Justice Douglas was a gratuity for which no services were rendered or expected.

Under the circumstances I think the American people are entitled to a better explanation.

I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FINANCING OF PARVIN UNIT TRACED

(By Jean Heller)

LAS VEGAS, NEV., October 22.—A hotel-casino sale arranged by gangster Meyer Lansky helped finance a foundation headed for nine years by Supreme Court Justice William O. Douglas, who said today he knew nothing about the deal.

Douglas helped create and direct the Albert Parvin Foundation and served as its only salaried officer—president—until last May.

Douglas was asked if he were aware when he helped set up the foundation that one of the biggest chunks of its financial backbone would come from a business deal arranged by Lansky. His office said Tuesday he would have no comment.

But today after an Associated Press story about the deal appeared, Douglas said in a Washington statement: "I never had anything to do with the transaction and I never knew anything about it. I had no information whatever about it."

PARVIN WAS PRESIDENT

The deal was for the 1960 sale of the Flamingo Hotel-Casino here. Parvin was president and principal stockholder of Hotel Flamingo, Inc., the company which owned the hotel-casino. Parvin then used a portion of the money derived from the \$10.5 million sale to finance his new foundation.

Under a contract signed by Parvin as company president, Lansky was paid \$200,000 for acting as middleman in the sale of the Flamingo to a trio of Florida hotelmen. The contract read, in part:

"Flamingo acknowledges that Lansky has been the finder of the purchaser of the property belonging to it, and as a result of

Lansky's services in supplying the information as to the purchaser and advising Flamingo thereof, that he is entitled to payment for the services thereon . . .

"Flamingo agrees to pay Lansky and Lansky agrees to accept as payment from Flamingo the sum of \$200,000 . . ."

The agreement, also signed by Lansky, was dated May 12, 1960. More than a month before, the three Florida hotelmen, Samuel Cohen, Morris Lansburgh and Daniel Lifter, had applied to Nevada officials for approval of their purchase of the hotel-casino.

In May 1960, the Nevada Gaming Control Board approved the sale and the following month the Nevada Gaming Commission gave the final okay.

UNAWARE OF LANSKY

There is no mention in the hearing transcripts of either body of the involvement of Lansky as middleman in bringing buyer and seller together. Nevada sources said privately that neither the board nor the commission was aware of Lansky's role.

The terms of the contract with Lansky stipulated that if the sale was made, as it was, Parvin's company would pay Lansky the \$200,000 fee in quarterly installments of \$6,250 starting Jan. 2, 1961. That schedule would mean the last payment was made to Lansky in October 1968.

An attempt to contact Parvin for comment was unsuccessful.

Parvin is the former owner of the Parvin-Dohrmann Co., a multi-million-dollar, a-year Los Angeles hotel supply business. Although Parvin has sold his interest in Parvin-Dohrmann, he still maintains his foundation.

A federal grand jury in New York is reported to be investigating the dealings of Parvin, Parvin-Dohrmann and other individuals and companies, but this investigation apparently is unrelated to the Flamingo sale.

CRITICIZED IN CONGRESS

In an interview several years ago, Parvin said he contacted Douglas in 1960 and sought help in setting up the foundation. Douglas agreed to help and later served as its \$12,000-a-year president.

Douglas was sharply criticized by members of Congress last spring for his involvement with the foundation. He severed his ties with the organization in May.

It could not be determined how long Lansky knew Parvin, but Nevada records show Lansky had two attempted dealings with the Cohen-Lansburgh-Lifter group prior to the Flamingo sale.

The three Florida hotelmen have been associates in such Miami Beach operations as the Sans Souci, Deauville, Sherry Fontenac, Casablanca, Versailles, Crown and Eden Roc hotels and the Waikiki Motel.

According to a report prepared by the Nevada Gaming Control Board's investigators, Lansky asked the trio if they would be interested in buying the Havana Riviera Hotel in Havana, Cuba. Two years later, he asked them if they would be interested in making a loan on a motel north of Miami Beach. Both times the Florida hotelmen declined.

Mr. WILLIAMS of Delaware. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHILD PROTECTION AND TOY SAFETY ACT OF 1969—CONFERENCE REPORT

Mr. MOSS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of October 21, 1969, pp. H9737-H9738, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MOSS. Mr. President, the conference has reported a substantially improved bill. Although Members of the other House, in considering the bill passed by this body some months ago, made some improvements in the Senate version, they also made some procedural changes that could have impeded the implementation of this important piece of legislation.

The main issue in conference was this: Given the need to protect children from articles which have electrical, mechanical, and thermal hazards, given the need to provide procedural safeguards for affected persons, and given the limited resources of the administering agency, what procedure for removing hazardous toys from the marketplace will best balance those interests?

Despite some misunderstanding on the part of the conferees, both the Senate and House procedures allowed the Secretary of Health, Education, and Welfare to summarily remove an article from the market. The House procedures provided for this upon a finding of "imminent hazard." The Senate procedures provided for this through section 553 of title 5, United States Code. Summary action provided for in clause (B) of the last sentence of subsection (b) of section 553.

The House procedure required a time-consuming formal hearing at all times before any order of the Secretary could become final. In other words, the House procedure which provided great procedural protection to industry was potentially so administratively burdensome that the Secretary of Health, Education, and Welfare might have been unnecessarily deterred from acting to protect our Nation's children. The Senate procedure on the other hand, did not unduly burden the administrative agency but provided fewer procedural safeguards for industry.

Although some might minimize the importance of procedures, they can spell the difference between agency action or

inaction, particularly when an agency has limited resources and manpower. Congress cannot afford to pass legislation promising to protect the children of our Nation and then impose unreasonable administrative burdens that will negate its actual implementation. For this reason the Senate requested a conference on the House amendments to the Senate toy safety bill. I am satisfied that the procedures formulated in conference are workable and that they will facilitate the implementation of this bill, while still protecting the rights of affected parties. Therefore, because the Senate's aim in calling for a conference has been achieved, I recommend approval of the conference report.

The conferees who signed the conference report have unanimously agreed to it. I know of no reason why the matter should not now be agreed to by this body. It has been cleared with the minority members of the committee. I move its immediate adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

The Senate resumed the consideration of the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Mr. MUSKIE. Mr. President, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, will establish a uniform policy with respect to relocation assistance and land acquisition involving Federal and federally-assisted programs. S. 1 came to the floor of the Senate with the sponsorship of 42 Senators, the endorsement of many public officials throughout the country and the strong support of citizen groups devoted to the public interest. Hearings were held on February 19, 20, 25, 26, and 27, and the bill was approved by the Subcommittee on Intergovernmental Relations on April 16, 1969. Favorable action was taken by the Committee on Government Operations on September 23, 1969.

This is as high priority a measure as stands before the Senate. There are more than 50 Federal programs which result in the condemning of land and quite literally, the bulldozing of hundreds of thousands of people from their homes and businesses annually. Many of these people are low-income families. Many are the elderly. They are small farmers and

small businessmen. In most cases, their entire lives and economic and social well-being have centered around the property or neighborhoods which are being uprooted.

This is what we have been doing to them. The question that must be answered is: What are we to do for them?

Here, the record is clear. Nearly all federally-assisted programs have differing, if not conflicting, provisions for helping those displaced. They range from no assistance in some cases to liberal benefits and protection in others. This lack of uniformity only provides irritation and confusion, as well as an unfortunate image of the Federal Government at the State and local level. It has served to undermine confidence in and support for many Federal programs.

The problem has been explored thoroughly by the Subcommittee on Intergovernmental Relations over the past 4 years. Building on the recommendation of the Select Subcommittee on Real Property Acquisition of the House Public Works Committee as well as a special report on the problem developed by ACIR, and on other basic studies in the field, legislation was developed and passed unanimously by the Senate during the 89th Congress. Again, during the 90th Congress, the legislation, as part of the Intergovernmental Cooperation Act of 1968, was improved and strengthened and passed by the Senate. At the same time, the Congress included in its Highway Act of 1968, a substantial part of the relocation provision developed through earlier efforts, and expanded HUD's relocation authorizations under the Housing Act of 1949.

Although the House passed the Intergovernmental Cooperation Act, it had not completed its consideration of the issue of relocation and land acquisition. Conferees on the bill were, however, in agreement regarding desirability of congressional action on the matter and recommended that it be taken up as soon as possible.

I understand that the House Public Works Committee plans hearings and active consideration of this legislation this session.

The primary objective of S. 1 is to establish a uniform policy among Federal agencies, and State and local recipients of Federal funds in their dealing with property owners and others displaced by Federal or federally aided land acquisitions.

Specifically, S. 1, does this in two ways: First, it provides for relocation payments, advisory assistance, assurance of available relocation housing, and economic adjustments and other assistance to owners, tenants and others displaced; and second, it establishes policies to guide all Federal and federally assisted agencies in negotiations with owners for the acquisition of real property for public use.

With regard to relocation assistance, the displaced person is entitled to payments including a moving expense and a dislocation allowance. The individual's need for readjustment allowance is covered by the bill's provision that he receive an amount equal to the average annual net earnings of his business or

farm, or \$5,000, whichever is less, if the enterprise had net earnings of less than \$10,000. For the small farm operator with earnings of less than \$1,000 annually, the bill provides payment of \$1,000.

For the large number of individuals displaced from their homes, and not eligible for assistance as owners, the bill provides payment up to \$1,500. For the owner-occupier, the bill provides for an amount, which when added to the acquisition payment, equals the price required for a decent, safe, and sanitary dwelling.

The bill further provides that the Federal Government will provide the first \$25,000 of the cost of providing such payments and assistance to any person displaced prior to July 1, 1972.

Relocation policies of the past have failed to account for the need of advisory assistance for those being displaced by acquisitions for public improvements. The bill would require that steps be taken to assure that the displaced persons receive the maximum help necessary to make the move. These would include the following:

First, determination of the needs of the displaced families, individuals, business concerns, and farm operators for such assistance.

Second, assurance that there will be adequate services in the areas to which the affected persons will move, including utilities, commercial facilities, and housing, as well as accessibility to their places of employment.

Third, assistance to businesses and farm operators in obtaining and becoming established in suitable location.

Fourth, supplying of information concerning FHA home acquisition program benefits, and the small business disaster loan program and other such programs offering assistance to displaced persons.

Fifth, assistance in minimizing hardships incurred as a result of adjusting to dislocation.

Sixth, assurance that the coordination of relocation activities with other governmental actions undertaken in the community or nearby areas will be done.

With regard to uniform land acquisition policies and procedures, the bill sets forth a congressional mandate of 12 provisions which must be followed in the taking of property for Federal purposes. They are as follows:

First. Transactions must be carried out in a manner that will assure that the person whose property is taken is no worse off economically than before the property was taken.

Second. Every reasonable effort must be made to acquire the property at a negotiated price.

Third. Real property must be appraised before the negotiations begin, and the owner is given the opportunity to accompany the appraiser during his inspection of the property.

Fourth. Before negotiations begin, the Federal agency head involved will establish an amount he believes to be just compensation, but the amount cannot be less than the approved appraised value of the property. This provision is intended to assure that the Government will reimburse an owner in an amount which is fair and reasonable, and that

its offer will not be less than the appraised value. It is not intended to preclude effective negotiation nor establish a one-price policy.

Fifth. No owner is required to surrender possession of real property before the agency concerned pays the agreed purchase price.

Sixth. Construction will be scheduled to provide the owner/occupant with at least 90 days notice to move.

Seventh. If the structure is not required, he shall offer to permit its owner to remove it.

Eighth. Those who are permitted to occupy the property on a rental basis for a short term, are to be charged a fair rental value figure.

Ninth. Condemnation time cannot be advanced nor deferred. Every effort must be made to assure that the owner is given reasonable time to negotiate with the agency.

Tenth. No Federal agency shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property.

Eleventh. If only a portion is to be acquired, leaving the unacquired portion without economic use, the Federal agency concerned shall offer to acquire the whole property.

Twelfth. In determining the boundaries of a proposed public improvement, the Federal agency is required to take into account human considerations including the economic and social effects on the owners and tenants of the property in the area.

The testimony of witnesses was overwhelmingly in support of the objectives of the legislation.

The problems created by the impact of such acquisitions have long been one of the Nation's top domestic burdens. Various estimates place the displacement figure, over the next 10 years, in excess of one million people, 180,000 businesses and 40,000 farms. Much of this problem will be covered by the present relocation and acquisition programs of HUD and the new programs authorized under the Highway Act of 1968. Yet, many other agencies and programs still lack consistency as well as identity with requirements of these programs.

The results of these inconsistencies have caused confusion and hardship—often of a very serious nature. They will continue to do so unless there is coordination of all operations.

The uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and evenhanded administration—consistent with protection of individual rights and community needs. To do less is to continue to exact a high price from people who are least able to absorb the burden of these Federal programs.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MUNDT. Mr. President, I want to associate myself with the remarks of my colleague, the senior Senator from

Maine, in support of passage of S. 1. This legislation would provide fair and just treatment for those whose home and businesses are taken for projects of the Federal Government or by State and local government with Federal financial assistance.

This bill has one basic purpose and that is to make these people so displaced "economically whole." Our Constitution provides that when property is taken for a public purpose that the owner will receive just compensation. However, when the fair price is paid for the property it does not provide for expenses that are incurred by the owner for being disrupted and in seeking a new location for his home or business. This bill would seek to compensate for these expenses and would seek to establish uniform land acquisition policies in the hope that the Government as buyer and the landowner as seller can arrive at a just price without going into condemnation court.

The effort to provide additional compensation was recognized by Congress when it approved the urban renewal legislation and more recently in the Highway Act of 1968. Our bill seeks to carry the benefit of these two statutes to all Federal and federally assisted land acquisition to provide uniformity of policy so badly needed in this area.

The Senate approved the essential language of S. 1 in both the 89th and 90th Congresses in recognition of this need and I hope it will see fit to do so again today.

Mr. JAVITS. Mr. President, it is a fact, is it not, that this legislation is really a landmark measure, and I ask that with real deference to the Senator from Maine, because so many of us have joined with him so often in legislative matters.

Mr. MUSKIE. It is a landmark measure. And I welcome the opportunity to express my appreciation to the distinguished Senator from New York and all the other cosponsors who have taken a real and active interest in the legislation.

The fact that the measure passed so easily is a reflection of the fact that over the past 3 years a great deal of time and effort has been devoted to it and many committee hearings have been held in which the Senator was involved.

I hope that this year the Senate action will be matched on the House side.

Mr. JAVITS. Mr. President, this matter has been and is of profound importance. It is so difficult for people to understand the structure of the inequities involved here in respect to housing and road construction when we are dealing with the homes of individuals. Under the leadership of the distinguished Senator from Maine (Mr. MUSKIE), this measure has been brought to passage. It is a matter that has been long overdue.

Mr. President, we all owe a debt of gratitude to the distinguished Senator from South Dakota (Mr. MUNDT), the ranking member of the committee.

Mr. MUSKIE. Mr. President, the distinguished Senator from South Dakota (Mr. MUNDT) has taken affirmative, positive, and a cooperative attitude toward the bill during the 3 or 4 years we have studied the measure and has made in-

valuable contributions to its structure. He has been of great assistance. I have welcomed his help and support over the years.

Mr. JAVITS. Mr. President, I think it is fair for us to express a deep feeling of grievance over the inequities which the bill seeks to cure. I hope very much for that reason that it will find a response in the other body.

The Senator from Maine, the Senator from South Dakota, and I and others will do our utmost in this endeavor.

Mr. President, relating to the so-called outdoor advertising industry amendment, this measure also dealt with moving expenses for billboards. I want to confirm that by collaboration between the majority and minority, the expenses of moving the billboards were limited to what they are really entitled to under the present Federal law, and that there is no expansion of anything but the concepts established by virtue of codification which is the inheritance from the old bill.

Mr. MUSKIE. The Senator is correct. I know that he has taken a special interest in this problem and with his help, the outdoor advertising business is helped to the extent of making it eligible for actual moving costs and no more. This is the sort of assistance which is available to many displaced businesses.

Mr. JAVITS. Mr. President, I thank the Senator.

Mr. President, I congratulate the Senator from Maine. It has been a long-standing fight. I think that really out of deference to him we ought to move heaven and earth to get this matter enacted into law.

Mr. MUSKIE. I thank the Senator from New York.

THE MOM AND POP AMENDMENT

Mr. TYDINGS. Mr. President, as a co-sponsor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act of 1969, I am pleased that the Senate will shortly enact the bill and want to congratulate the junior Senator from Maine for his fine effort on the Intergovernmental Relations Subcommittee in preparing this legislation.

Providing for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted projects is only fair.

The disruptive impact on people as they are displaced is now all too familiar. Hearings held by the subcommittee have illustrated the damaging effects on individuals resulting from displacement. They brought out the confusion and unfairness caused by the basic inadequacy and inconsistency of the measures available to the public agencies to relieve the consequent hardship.

This bill will go a long way toward removing this inconsistency and inadequacy.

Mr. President, of special interest to me is the effect of land acquisition, clearance, and relocation on small businesses, particularly those owned by the elderly—such as the “mom and pop” grocery or candy store. The price of progress here in urban renewal is very high. It often

means destruction of the livelihood of the small neighborhood storekeeper.

I know of a corner candy store owner in Baltimore who lived in the same location for 40 years. His store was a hub of neighborhood activity, part and parcel of the community. I lived nearby when I was a student at the University of Maryland and often stopped off at the store to chat and buy a newspaper or last-minute groceries.

An urban renewal project was begun in the neighborhood a number of years later, land was acquired and the store owner reimbursed for his property. But the amount was insufficient. The owner was too old to start again. His clientele was gone, his goodwill a thing of the past. He was set adrift at age 65 with little or no future.

I felt that such an individual deserved additional assistance.

I, therefore, offered an amendment which provided a lump-sum payment, in lieu of relocation and moving expenses, equal to three times the average annual net earnings of the business for the last 3 years to be made to a store owner over 50 years of age. This was known as the “mom and pop amendment” and provided for the small business proprietor who could not start over again.

The subcommittee accepted my amendment but changed the payment to twice the annual net earnings, limited the payments to not more than \$5,000, and raised the age requirement to 62. I felt that, while a step in the right direction, this still fell short of what was really needed.

I thus urged the subcommittee at its hearings on February 20 of this year to increase the amount of the possible payment and, at the minimum, to lower the age limitation to 58 years. This would not substantially increase the cost of the program, but would soften significantly the impact of dislocation on our older, small businessmen.

The subcommittee agreed to increase the upper limitation of the payment to not more than \$6,000, an increase of \$1,000; to allow the payment to be equal to three times the average annual net earnings, as originally provided, rather than twice; and to lower the age requirements from 62 to 60. The amendment, the last sentence in section 211(c)(1) of the bill, now reads:

Notwithstanding the preceding sentence, in the case of a displaced person who is sixty years of age or over, this payment shall be in an amount equal to three times the average annual net earnings of the business or \$6,000, whichever is less.

The subcommittee deserves high marks for this action which demonstrates their continued concern for the Nation's older, small businessman. I am delighted that it has, to a very large extent, accepted my “mom and pop amendment” and want to call this amendment to the attention of my colleagues.

The “mom and pop amendment” will cushion the impact of federally necessitated relocation programs on many of our older citizens and ease the often difficult adjustment period that results. It is completely within the tradition of a government “for the people.”

Mr. COOPER. Mr. President, last year when the Senate Committee on Public Works, on which I serve as the ranking minority member, extended the biennial highway authorizations and enacted one of the most constructive measures to be recommended to the Senate during my service on the committee, it included in the Federal-Aid Highway Act of 1968 a title II providing relocation assistance to families, farms and business displaced by road construction. The committee, under the leadership of our chairman, the Senator from West Virginia (Mr. RANDOLPH), and largely on the initiative of the Senator from Maine (Mr. MUSKIE), devoted a great deal of attention and the most careful consideration to the provisions of title II, which added a new chapter 5 to title 23 of the United States Code.

I think it fair to say that we considered at that time that this legislation could provide a model for relocation assistance in the programs of other Federal agencies which acquire property in carrying out Federal construction and Federal grant programs. In fact, in my statement of views, which were made a part of the committee report on the Highway Act of 1968, I called attention to the significance of this legislation in these words:

Of great importance, title II will establish a comprehensive program of relocation assistance designed to assure fair treatment and reasonable help to those individuals, families, farms, and businesses displaced by highway construction projects. I consider these provisions fair, proper, and a great advance in compensating those who are uprooted and dislocated by Federal projects. The Intergovernmental Relations Subcommittee of the Committee on Government Operations has given leadership in this field, and I hope very much that the relocation assistance provided by this bill for the highway programs will be extended to the construction projects of the Corps of Engineers, and to the other Federal agencies.

I also spoke in the Senate in support of this wonderful new program—because I have been interested for many years in securing fair and better treatment for those who are displaced by great dam, highway or other projects, and I have had a good deal of experience with those problems as they have arisen in connection with projects in my own State of Kentucky. The Senators from Maine and from West Virginia will recall that I suggested at that time that these provisions ought to be extended to Corps of Engineers' projects, which are also under the jurisdiction of the Committee on Public Works.

As I understand, the bill now before the Senate, S. 1, which has come to us from the Committee on Government Operations, would extend to all Federal agencies and programs the land acquisition policy and relocation assistance program first applied to road construction by the 1968 Highway Act—and its purpose is to do so on a uniform basis. While S. 1 technically would repeal title II of the 1968 act, those provisions would be incorporated in this act, and applied to other programs as well as to the Federal-aid highway program.

The States are now implementing the provisions of the 1968 Highway Act, and

as its provisions, or the provisions of S. 1 if adopted by the House of Representatives, are put into effect, no doubt some problems may arise, as is usually the case with any new program of such scope. But I hope very much that the experience under the Highway Act will prove helpful. If difficulties arise in applying these principles to highway or civil works projects, I am sure that our committee will want to be helpful.

Providing just compensation, and equitable assistance to those who are displaced, so that their lives are not unduly disrupted by public projects and they are kept "whole" as we say, is not simple or easy. But it is right and necessary, and I have been glad to support this measure. I commend the Senator from Maine, and his colleagues from South Dakota (Mr. MUNDT) and New York (Mr. JAVITS) for what I know was long and careful work in bringing this bill before the Senate for its approval.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment; if there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion was agreed to.

INTERGOVERNMENTAL PERSONNEL ACT OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 486.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 11) to reinforce the federal system by strengthening the personnel resources of State and local governments, to improve intergovernment cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government, and State and local governments, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments, on page 2, after the enacting clause, insert "That this act may be cited as the 'Intergovernmental Personnel Act of 1969'"; on page 3, line 22, after the word "as", insert "(1)"; in line 23,

after the word "local", strike out "governments." and insert "governments, and (2) to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration."; on page 4, line 16, after the word "policy," insert "The President may terminate the council at any time after the expiration of three years following its establishment."; on page 7, line 21, after the word "to" where it appears the second time, strike out "States for up to 75 per centum of the costs of developing and of carrying out programs or projects which the Commission finds" and insert "a State for up to 75 per centum (or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects"; on page 11, line 7, after the word "to", strike out "general local governments, or combinations of such governments, that serve a population of fifty thousand or more, for up to 75 per centum of the cost of developing and carrying out programs or projects which the Commission finds" and insert "a general local government, or a combination of general local governments, that serve a population of fifty thousand or more, for up to 75 per centum (or with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs or projects, on the certification of the Governor of that State that the programs or projects"

On page 12, line 6, after the word "grant" strike out "provisions, as provided in section 513" and insert "provisions"; at the beginning of line 24, strike out "provisions as provided in section 513" and insert "provisions"; on page 13, line 12, after the word "or", strike out "governments to the State office designated under section 202(b) (1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of the State office or of the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before the State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office," and insert "combination of such governments to the Governor for review and certification that the programs or projects are consistent with the appli-

cable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 202(b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such governments certifies to the Commission that the application has been before the Governor for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)-(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission."

On page 15, line 20, after the word "may", strike out "accept from such governments payment, and whole or in part," and insert "waive, in whole or in part, payments from such governments"; on page 18, after line 2, strike out:

(D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5), 1062(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396a(a)(4)); and

And, in lieu thereof, insert:

(D) sections 2(a)(5)(A), 402(a)(5)(A), 505(a)(3)(A), 1002(a)(5)(A), 1402(a)(5)(A), 1602(a)(5)(A), and 1902(a)(4)(A) of the Social Security Act (42 U.S.C. 302(a)(5)(A), 602(a)(5)(A), 705(a)(3)(A), 1202(a)(5)(A), 1352(a)(5)(A), 1382(a)(5)(A), and 1396a(a)(4)(A)); and

On page 22, line 8, after the word "agencies" strike out "are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments," and, in lieu thereof, insert "may waive, in whole or in part, payments from, or on behalf of, State and local governments for the costs of training provided under this section." in line 20, after the word "the" insert "initial"; on page 23, line 9, after the word "program," strike out "and, to the same extent provided in section 302(b) of this Act, receive or waive" and insert "and receive or waive, in whole or in part,"; on page 24, line 20, after the word "per centum", strike out "of the cost of developing and carrying out training and educational programs for their professional, administrative, and technical employees and officials, which the Commission finds are consistent with the applicable principles set forth in clauses (1)-(6) or the third paragraph of sec-

tion 2 of this Act.”; and insert “(or, with respect to fiscal years commencing after the expiration of three years following the effective date of the grant provisions of this Act, for up to 50 per centum) of the costs of developing and carrying out programs, on the certification of the Governor of that State that the programs are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to train and educate their professional, administrative, and technical employees and officials.”.

On page 28, line 14, after the word “or”, strike out “governments to the State office designated under section 304(b) (1) of this Act for review, except that, if no State office has been designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of such State office or the Governor, as the case may be, and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before such State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office.” and, in lieu thereof, insert “combination of such governments to the Governor for review and certification that the programs or projects are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. The Governor may refer the application to the State office designated under section 304(b) (1) of this Act for review. Comments and recommendations (if any) made as a result of the review, a statement by the general local government or combination of such governments that it has considered the comments and recommendations, and the certification of the Governor shall accompany the application to the Commission. The application need not be accompanied by the certification of the Governor if the general local government or combination of such government certifies to the Commission that the application has been before the Government for review and certification for a period of sixty days without certification by the Governor. However, if during such sixty-day period the Governor (1) has found that the programs or projects are not consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act and (2) has set forth in writing the reasons, specifically and in detail, therefor, the application may not be submitted to, or be considered by, the Commission.”.

On page 30, line 6, after the word “per centum”, strike the word “of” and insert “(or, with respect to fiscal years commencing after the expiration of three years following the effective date of the

grant provisions of this Act, up to 50 per centum) of”.

On page 39, line 15, after the word “subchapter,” strike out “II” and insert “III”; on page 43, line 7, after “(A),” strike out “travel and per diem instead of subsistence” and insert “travel, including a per diem allowance”; in line 10, after “(B),” strike out “per diem instead of subsistence,” and insert “a per diem allowance”; in line 13, after “(C),” strike out “travel and per diem instead of subsistence,” and insert “travel, including a per diem allowance”; on page 49, line 23, after the word “allocate,” insert “20 per centum of the total amount available for”; on page 50, after line 7, strike out:

(b) In each fiscal year, 15 per centum of the total amount available for grants under this Act shall be apportioned equally among the States and the amount apportioned for each State shall be reserved for programs or projects in that State. However, any amount so reserved but not used in any fiscal year shall be added to the total amount available for grants under this Act in the next succeeding fiscal year. For the purpose of this subsection, “State” means the several States of the United States, and the District of Columbia.

And, in lieu thereof, insert:

(b) (1) The Commission shall allocate 80 per centum of the total amount available for grants under this Act among the States on a weighted formula taking into consideration such factors as the size of population and the number of State and local government employees affected.

(2) The amount allocated for each State under paragraph (1) of this subsection shall be further allocated by the Commission to meet the needs of both the State government and the local governments within the State on a weighted formula taking into consideration such factors as the number of State and local government employees and the amount of State and local government expenditures. The Commission shall determine the categories of employees and expenditures to be included or excluded, as the case may be, in the number of employees and amount of expenditures. The minimum allocation for meeting needs of local governments in each State (other than the District of Columbia) shall be 50 per centum of the amount allocated for the State under paragraph (1) of this subsection.

(3) The amount of any allocation under paragraph (2) of this subsection which the Commission determines, on the basis of information available to it, will not be used to meet the needs for which allocated shall be available for use to meet the needs of the State government or local governments in that State, as the case may be, on such date or dates as the Commission may fix.

(4) The amount allocated for any State under paragraph (1) of this subsection which the Commission determines, on the basis of information available to it, will not be used shall be available for reallocation by the Commission from time to time, on such date or dates as it may fix, among other States with respect to which such a determination has not been made, in accordance with the formula set forth in paragraph (1) of this subsection, but with such amount for any of such other States being reduced to the extent it exceeds the sum the Commission estimates said State needs and will be able to use; and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced.

(5) For the purposes of this subsection, “State” means the several States of the United States and the District of Columbia.

On page 53, line 23, after “Sec. 509.”, strike out:

(a) To carry out the programs authorized by this Act, there are authorized to be appropriated at any time after its enactment not to exceed \$20,000,000 for fiscal year 1970; \$30,000,000 for fiscal year 1971; and \$40,000,000 for fiscal year 1972.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1972.

And insert:

There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the programs authorized by this Act.”;

On page 54, line 12, after “Sec. 510(a)”, strike out:

There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

And insert:

Section 1304(e) of title 5, United States Code, is amended to read as follows:

“(e) (1) A revolving fund is available to the Commission without fiscal year limitation for financing—

“(A) investigations, training, and such other functions and services as the Commission is authorized or required to perform on a reimbursable basis; and

“(B) such other functions and services as the Commission, with the approval of the Bureau of the Budget, determines may be financed more advantageously through the funds, and to the maximum extent feasible, each individual activity shall be conducted generally on an actual cost basis over a reasonable period of time.

“(2) The capital of the fund consists of the aggregate of—

“(A) appropriations made to provide capital for the fund, which appropriations are hereby authorized; and

“(B) the sum of the fair and reasonable value of such supplies, equipment, and other

91ST CONGRESS
1ST SESSION

S. 1

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1969

Referred to the Committee on Public Works

AN ACT

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Uniform Relocation As-
4 sistance and Land Acquisition Policies Act of 1969".

1 TITLE I—DEFINITIONS

2 As used in this Act—

3 FEDERAL AGENCY

4 SEC. 101. The term “Federal agency” means any de-
5 partment, agency, or instrumentality in the executive branch
6 of the Government (except the National Capital Housing
7 Authority), any wholly owned Government corporation
8 (except the District of Columbia Redevelopment Land
9 Agency), and the Architect of the Capitol.

10 STATE

11 SEC. 102. The term “State” means any of the several
12 States of the United States, the District of Columbia, the
13 Commonwealth of Puerto Rico, any territory or possession
14 of the United States, the Trust Territories of the Pacific
15 Islands, and any political subdivision thereof.

16 STATE AGENCY

17 SEC. 103. The term “State agency” means the National
18 Capital Housing Authority, the District of Columbia Re-
19 development Land Agency and any State, any public body,
20 agency, or instrumentality of a State or of a political sub-
21 division of a State, or any public agency or instrumentality
22 of two or more States or of two or more political subdi-
23 visions of a State or States.

HEAD OF AGENCY

SEC. 104. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

DISPLACED PERSON

SEC. 105. The term "displaced person" means—

(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253 (a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;

(2) any person who is the operator of a farm operation which moves from real property or is discontinued on or after the effective date prescribed in section 253 (a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;

(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date prescribed in section 253

1 (a) , as a result of the acquisition or reasonable expecta-
2 tion of acquisition of such real property, in whole or
3 in part, by a Federal or State agency ;

4 (4) any individual, not a member of a family, who
5 moves from real property occupied as a dwelling on or
6 after the effective date prescribed in section 253 (a) ,
7 as a result of the acquisition or reasonable expectation
8 of acquisition of such real property, in whole or in part,
9 by a Federal or State agency ; or

10 (5) a nonprofit organization which moves from
11 real property on or after the effective date prescribed in
12 section 253 (a) as a result of the acquisition or reason-
13 able expectation of acquisition of such real property, in
14 whole or in part by a Federal or State agency, or, any
15 person, not described in paragraph (1) , (2) , (3) , or
16 (4) of this section, who moves his personal property
17 from real property on or after the effective date pre-
18 scribed in section 253 (a) as a result of the acqui-
19 sition or reasonable expectation of acquisition of
20 such real property, in whole or in part, by a Federal or
21 State agency. Under this paragraph, the term “displaced
22 person” shall not include the owner of personal prop-
23 erty on the premises of another under a lease or licensing
24 arrangement where such owner is required pursuant to

such lease or license to move such property at his own expense.

BUSINESS

SEC. 106. The term "business" means any lawful entity conducted primarily (1) for the purchase and resale of products, commodities, or any other personal property; (2) for the manufacture, processing, or marketing of any such property; (3) for the cultivation, processing, and marketing of timber; (4) for the sale of services; or (5) for assisting in the sale, resale, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays. Such term does not include a farm operation or the business of an investor in acquiring or holding real property for resale for gain.

FARM OPERATION

SEC. 107. The term "farm operation" means any activity conducted solely or primarily for the production for sale or for home use, of one or more agricultural products or commodities other than timber, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

FARM OPERATOR

SEC. 108. The term “farm operator” means any owner, part owner, tenant, or sharecropper who operates a farm.

1

FAMILY

2 SEC. 109. The term “family” means two or more
3 individuals living together in the same dwelling unit who
4 are related to each other by blood, marriage, adoption, or
5 guardianship.

6

DISPLACED

7 SEC. 110. The term “displaced”, when used in relation
8 to any person, means any person moved or to be moved from
9 real property on or after the effective date prescribed in sec-
10 tion 253 (a) as a result of the acquisition or reasonable expect-
11 ation of acquisition of such property for a public improve-
12 ment constructed or developed by or with funds provided in
13 whole or in part by the Federal Government.

14

OWNER AND PERSON

15 SEC. 111. The terms “owner” and “person” include any
16 individual, or any partnership, corporation, or association,
17 whether organized for profit or not for profit or any Indian
18 tribe, band, or group.

19

REAL PROPERTY

20 SEC. 112. The term “real property” as used in this Act
21 shall include land, and any interest in land, including but not
22 limited to, easements, rights-of-way, water rights, and mineral
23 interests.

1 TITLE II—UNIFORM RELOCATION ASSISTANCE

2 DECLARATION OF POLICY

3 SEC. 201. The purpose of this title is to establish a
4 uniform policy for the fair and equitable treatment of owners,
5 tenants, and other persons displaced by the acquisition of
6 real property in Federal and federally assisted programs
7 to the end that such persons shall not suffer disproportionate
8 injuries as a result of programs designed for the benefit of
9 the public as a whole. Such a policy shall be as uniform as
10 practicable as to (1) relocation payments, (2) advisory
11 assistance, (3) assurance of availability of standard hous-
12 ing, and (4) Federal reimbursement for relocation payments
13 under federally assisted programs.

14 PART A—FEDERAL PROGRAMS

15 RELOCATION PAYMENTS

16 SEC. 211. (a) If the head of any Federal agency
17 acquires real property for public use in a State, he shall
18 make fair and reasonable relocation payments to displaced
19 persons in accordance with the regulations established by
20 the President under section 241 of this Act. Notwithstanding
21 any other provision of this Act, any business, as defined by
22 section 106 of this Act, which is not being displaced shall be
23 eligible for actual moving expenses with respect to its outdoor

1 advertising displays being moved as a result of the acquisition
2 or reasonable expectation of acquisition of real property, in
3 whole or in part, by a Federal or State agency. No other pay-
4 ment therefor shall be made under subsections (b) – (f) of this
5 section.

6 (b) Any displaced person who moves from a dwelling
7 who elects to accept the payments authorized by this sub-
8 section in lieu of the payments authorized by subsection (a)
9 of this section may receive—

10 (1) a moving expense allowance, determined ac-
11 cording to a schedule established in accordance with the
12 President's regulations issued under section 241 of this
13 Act, not to exceed \$200; and

14 (2) a dislocation allowance of \$100.

15 (c) (1) In addition to amounts otherwise authorized by
16 this section, the head of the Federal agency shall make a
17 payment to any displaced person who moves or discontinues
18 his business provided the average annual net earnings of the
19 business are less than \$10,000 per year. This payment shall
20 be in an amount equal to the average annual net earnings of
21 the business, except that such payment shall not be less than
22 \$2,500 nor more than \$5,000. Notwithstanding the preceding
23 sentence, in the case of a displaced person who is sixty years
24 of age or over, this payment shall be in an amount equal to
25 three times the average annual net earnings of the business
26 or \$6,000, whichever is less.

1 (2) No payment shall be made under this subsection
2 unless the head of the Federal agency is satisfied that the
3 business—

4 (A) cannot be relocated without a substantial loss
5 of its existing patronage; and

6 (B) is not part of a commercial enterprise having
7 at least one other establishment, not being acquired,
8 which is engaged in the same or similar business.

9 (3) For purposes of this subsection, the term “average
10 annual net earnings” means one-half of any net earnings of
11 the business, before Federal, State, and local income taxes,
12 during the two taxable years immediately preceding the tax-
13 able year in which such business moves from the real prop-
14 erty acquired, and includes any compensation paid by the
15 business to the owner, his spouse, or his dependents during
16 such two-year period.

17 (d) (1) In addition to amounts otherwise authorized
18 by this section, the head of the Federal agency shall make
19 a payment to any displaced person who moves or discon-
20 tinues a farm operation, provided the average annual net
21 earnings of the farm operation are less than \$10,000 per
22 year. This payment shall be in an amount equal to the aver-
23 age annual net earnings of the farm operation, except that
24 such payment shall not be less than \$2,500 nor more than
25 \$5,000. Notwithstanding the preceding sentence, in the case

1 of a displaced person who is sixty years of age or over, this
2 payment shall be in an amount equal to three times the
3 average annual net earnings of the business or \$6,000, which-
4 ever is less.

5 (2) In the case where the entire farm operation is not
6 acquired by such Federal agency, the payment author-
7 ized by this subsection shall be made only if the head of
8 such agency determines that the property not acquired is no
9 longer an economic unit.

10 (3) For purposes of this subsection, the term "average
11 annual net earnings" means one-half of any net earnings
12 of the farm operation, before Federal, State, and local in-
13 come taxes, during the two taxable years immediately pre-
14 ceding the taxable year in which such farm operation moves
15 from the real property acquired, and includes any com-
16 pensation paid by the farm operation to the owner, his
17 spouse, or his dependents during such two-year period.

18 (e) (1) In addition to amounts otherwise authorized by
19 this section, the head of the Federal agency shall make a
20 payment to a displaced person who is the owner of real prop-
21 erty which is improved by a single-, two-, or three-family
22 dwelling actually owned and occupied by the owner for not
23 less than one year prior to the initiation of negotiations for
24 the acquisition of such property. Such payment, not to exceed
25 \$5,000, shall be the amount, if any, which, when added to

1 the acquisition payment, equals the average price required
2 for a decent, safe, and sanitary dwelling of modest standards
3 adequate to accommodate the displaced owner, reasonably
4 accessible to public services and places of employment. Such
5 payment shall be made only to a displaced owner who pur-
6 chases another dwelling within one year after the date on
7 which he is required to move from the dwelling acquired for
8 the project.

9 (2) The Secretary of Housing and Urban Development
10 shall determine the prices prevailing in the locality for dwell-
11 ings meeting the requirements of paragraph (1) of this sub-
12 section for all agencies making such payments.

13 (f) (1) In addition to amounts otherwise authorized
14 by this section, the head of the Federal agency shall make
15 a payment to any individual or family displaced from a
16 dwelling and not eligible to receive a payment under sub-
17 section (e) (1) of this section, provided such dwelling was
18 actually and lawfully occupied by such individual or family
19 for not less than ninety days prior to the initiation of nego-
20 tiations for acquisition of such property (except that this pro-
21 vision requiring occupation of a dwelling ninety days prior to
22 initiation of negotiations shall not apply to a displaced person
23 within the meaning of section 233 of this Act). Such pay-
24 ment, not to exceed \$1,500, shall be an amount which—

1 (A) is necessary to make the down payment on the
2 purchase of; or

3 (B) when added to 20 per centum of the income of
4 the displaced individual or family during the two-year
5 period immediately preceding displacement, equals the
6 average rental required for a two-year period for a de-
7 cent, safe, and sanitary dwelling of modest standards
8 adequate in the size to accommodate the displaced in-
9 dividual or family in areas not generally less desirable
10 in regard to public utilities and public and commercial
11 facilities. A payment made pursuant to subparagraph
12 (B) of this paragraph shall be made only to an indi-
13 vidual or family who is unable to secure a dwelling in
14 low-rent housing assisted under the United States Hous-
15 ing Act of 1937, or under a State or local program found
16 by the Secretary of Housing and Urban Development
17 to have the same general purposes as the Federal pro-
18 gram under such Act, or a dwelling unit assisted under
19 section 101 of the Housing and Urban Development
20 Act of 1965.

21 (2) The Secretary of Housing and Urban Development
22 shall determine the amount of assistance under this sub-
23 section according to family size, family or individual income,
24 average rents required, or similar consideration for all agen-
25 cies making such payments.

1 (g) No payment received under this section or under
2 section 231 of this Act shall be considered as income for the
3 purposes of the Internal Revenue Code of 1954, or for the
4 purpose of determining the eligibility or the extent of eligi-
5 bility of any person for assistance under the Social Security
6 Act or any other Federal law.

7 (h) The payments provided for in this section shall be
8 made administratively by the head of the Federal agency
9 acquiring real property, and none of the provisions of this
10 section shall in any way affect any condemnation action or
11 the just compensation to be determined or paid to the land-
12 owner in such action.

13 RELOCATION ASSISTANCE PROGRAMS

14 SEC. 212. (a) If the head of any Federal agency
15 acquires real property for public use in a State, he shall
16 provide a relocation assistance program for displaced persons
17 which shall offer the services described in subsection (c)
18 of this section. If the head of such agency determines that
19 persons occupying property immediately adjacent to the real
20 property acquired are caused substantial economic injury
21 because of the acquisition of real property for public use,
22 he may offer such persons relocation services under such
23 program.

24 (b) Federal agencies administering programs which
25 may be of assistance to displaced persons covered by this

1 Act shall cooperate to the maximum extent feasible with the
2 Federal or State agency causing the displacement to assure
3 that such displaced persons receive the maximum assistance
4 available to them.

5 (c) Each relocation assistance program required by sub-
6 section (a) of this section shall include such measures,
7 facilities, or services as may be necessary or appropriate in
8 order—

9 (1) to determine the needs, if any, of displaced
10 families, individuals, business concerns, and farm opera-
11 tors for relocation assistance;

12 (2) to assure that, within a reasonable period of
13 time, prior to displacement there will be available in
14 areas not generally less desirable in regard to public
15 utilities and public and commercial facilities and at rents
16 or prices within the financial means of the families and
17 individuals displaced, decent, safe, and sanitary dwell-
18 ings, equal in number to the number of and available
19 to such displaced families and individuals and reasonably
20 accessible to their places of employment except that the
21 President may prescribe by regulation situations when
22 such assurances may be waived;

23 (3) to assist owners of displaced businesses, non-
24 profit organizations, and farm operators in obtaining
25 and becoming established in suitable locations;

(4) to supply information concerning the Federal housing programs, the small business disaster loan program under section 7 (b) (3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons;

(5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and

(6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

STATES FURNISHING REAL PROPERTY INCIDENT TO
FEDERAL ASSISTANCE

SEC. 213. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute to the cost of pro-

1 viding such payments and assistance to any person displaced
2 prior to July 1, 1972, an amount not to exceed (1) the first
3 \$25,000 of such cost if the displaced person, at the time of
4 displacement, lives in a State which is contiguous to at least
5 one other State, or (2) the first \$27,500 if the displaced
6 person, at the time of displacement, lives in a State which
7 is not contiguous to any other State.

8 PART B—FEDERALLY ASSISTED PROGRAMS

9 RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE
10 OF AVAILABILITY OF HOUSING

11 SEC. 231. (a) Notwithstanding any other provision of
12 law, on and after the effective date of this section, no grant
13 to, or contract or agreement with a State agency, under
14 which Federal financial assistance will be available to pay
15 all or part of the cost of (1) the acquisition of real property,
16 (2) a public improvement for which real property is to be
17 acquired, or (3) a program which will otherwise result in
18 the displacement of persons may be approved by the head
19 of the Federal agency responsible for the administration of
20 such Federal financial assistance unless such State agency
21 has entered into an agreement with the head of such Fed-
22 eral agency to provide to displaced persons for moves from
23 such real property—

24 (1) fair and reasonable relocation payments in
25 the same amounts and under the same terms and con-

1 ditions as are required to be made by a Federal agency
2 by section 211 (a), including actual moving expenses
3 for moving outdoor advertising displays, of this title and
4 in accordance with regulations established by the Presi-
5 dent under section 241 of this title;

6 (2) relocation payments in the same amounts and
7 under the same terms and conditions as are required to
8 be made by a Federal agency by section 211 (b), (c),
9 (d), (e) (2), and (f) of this title;

10 (3) relocation assistance programs offering the
11 services described in section 212 (c) of this title;

12 (4) a feasible method for the temporary relocation
13 of families and individuals displaced from the property
14 acquired, and assurance that within a reasonable period
15 of time prior to displacement, there will be available in
16 areas not generally less desirable in regard to public
17 utilities and public and commercial facilities and at rents
18 or prices within the financial means of the families and
19 individuals displaced, decent, safe, and sanitary dwellings
20 equal in number to the number of and available to such
21 displaced families and individuals and reasonably acces-
22 sible to their places of employment; and

23 (5) a payment for owner-occupants under the
24 same terms and conditions as are required to be made

1 by Federal agencies by subsection 211 (e) (1) of this
2 Act, except that no such payment shall be required or
3 included as a project cost under subsection 231 (c) if the
4 owner-occupant receives a payment required by the
5 State law of eminent domain which is determined by the
6 head of the Federal agency to have substantially the
7 same purpose and effect as subsection 211 (e) (1) and
8 to be part of the cost of the project for which Federal
9 financial assistance is available.

10 (b) As a condition to further assistance to a State
11 agency for (1) part or all of the cost of real property acqui-
12 sition, (2) part or all of the cost of a public improvement
13 for which real property is to be acquired, or (3) a program
14 which will otherwise result in the displacement of families
15 and individuals, the head of the Federal agency shall require,
16 within a reasonable time prior to actual displacement, satis-
17 factory assurance by the State agency that decent, safe, and
18 sanitary dwellings as required by subsection 231 (a) (4) are
19 available for the relocation of each such individual or family.

20 (c) The cost to a State agency of providing the pay-
21 ments and services described in subsection (a) of this sec-
22 tion may be included as part of the cost of the project
23 for which Federal financial assistance is available to such
24 State agency, and such State agency shall be eligible for
25 Federal financial assistance with respect to such payments

1 and services in the same manner and to the same extent as
2 with respect to other project costs. Notwithstanding any
3 other law, the Federal agency providing such assistance shall
4 contribute, to the cost of providing such payments to any
5 person displaced prior to July 1, 1972, an amount not to
6 exceed (1) the first \$25,000 of such cost if the displaced
7 person, at the time of displacement, lives in a State which
8 is contiguous to at least one other State, or (2) the first
9 \$27,500 if the displaced person, at the time of displacement,
10 lives in a State which is not contiguous to any other State.
11 Any funds appropriated or otherwise available to a Federal
12 agency for assistance to State agencies for such projects shall
13 be available also for obligation and expenditure to carry out
14 the provisions of this subsection. In order to receive the
15 assistance authorized by this subsection, no State agency
16 need agree to make any relocation payment in excess of
17 (1) \$25,000 to a displaced person if, at the time of dis-
18 placement, the person lives in a State which is contiguous to
19 at least one other State, or (2) \$27,500 to a displaced
20 person if, at the time of displacement, the person lives in
21 a State which is not contiguous to any other State.

22 (d) In order to prevent unnecessary expenses and
23 duplication of functions, and to promote uniform and effec-
24 tive administration of relocation assistance programs for
25 displaced persons, any agreement by a State agency under

1 subsection (a) of this section shall provide that such agency
2 may make relocation payments or provide relocation assist-
3 ance or otherwise carry out its functions under this title
4 by utilizing the facilities, personnel, and services of any
5 other State agency having an established organization for
6 conducting relocation assistance programs.

7 (c) Any grant to, or contract or agreement with, a
8 State agency executed before the effective date of this
9 section, under which Federal financial assistance is available
10 to pay the cost in connection with the acquisition of real
11 property, or of the improvement for which such property is
12 acquired, may be amended to include the terms and condi-
13 tions required by subsection (a) of this section.

14 (f) If the head of a Federal agency determines that
15 it is necessary for the expeditious completion of a public
16 improvement for which a State agency has entered into
17 agreement, as described in subsection (a) of this section,
18 to make relocation payments to displaced persons, or to pro-
19 vide the funds necessary to meet the requirements of section
20 321 (b) (1) of this Act, he may advance to the State agency
21 the Federal share of such relocation payments and an amount
22 necessary to make the required payments under section 321
23 (b) (1). Upon determination by the head of such Federal
24 agency that any part of the funds advanced to a State agency

1 under this subsection are no longer required, the amount
2 which he determines not to be required shall be repaid upon
3 demand. Any sum advanced and not repaid on demand
4 shall be deducted from sums otherwise available to such State
5 agency from Federal sources.

6 (g) The provisions of this section shall not be appli-
7 cable to any situation which comes within the provisions of
8 the first sentence of paragraph (8) of section 15 of the
9 United States Housing Act of 1937 (42 U.S.C. 1415 (8)).

10 DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSIST-
11 ANCE UNDER TITLE I OF THE HOUSING ACT OF 1949,
12 AS AMENDED, AND TITLE I OF THE DEMONSTRATION
13 CITIES AND METROPOLITAN DEVELOPMENT ACT OF
14 1966

15 SEC. 232. A person who moves or discontinues his busi-
16 ness, or moves other personal property, or moves from his
17 dwelling on or after the effective date of this Act, as a direct
18 result of any project or program which receives Federal
19 financial assistance under title I of the Housing Act of 1949,
20 as amended, or as a result of carrying out a comprehensive
21 city demonstration program under title I of the Demonstra-
22 tion Cities and Metropolitan Development Act of 1966 shall,
23 for the purposes of this title, be deemed to be a displaced
24 person.

1 DISPLACEMENT BY CERTAIN OTHER PROGRAMS

2 SEC. 233. Notwithstanding any other provision of this
3 title, a person—

4 (1) who moves or discontinues his business, moves
5 other personal property, or moves from his dwelling on
6 or after January 1, 1969, and before the effective date
7 prescribed in section 253 (a), as the result of the con-
8 templated demolition of structures or the construction
9 of improvements on real property acquired, in whole
10 or in part, by a Federal agency; and

11 (2) who has lived on, or conducted a business on,
12 such real property for at least one year prior to the date
13 of enactment of this Act;

14 may be considered a displaced person, for purposes of sec-
15 tions 211 and 212 of this title, by the head of the agency
16 acquiring the real property if—

17 (A) the head of the agency determines that such
18 person has suffered undue hardship as the result of dis-
19 placement from the real property; and

20 (B) the Federal Government acquired and held
21 such property for at least 5 years prior to the effective
22 date prescribed in section 253 (a).

23 PART C—AUTHORITY OF THE PRESIDENT

24 SEC. 241. (a) To carry out the provisions of title II of
25 this Act, the President is authorized to make such rules and
26 regulations as he may determine to be necessary to assure—

1 (1) that relocation payments authorized by section
2 211 shall be fair and reasonable and as uniform as
3 practicable;

4 (2) that a displaced person entitled to a relocation
5 payment under section 211 (a) shall be reimbursed for
6 or paid—

7 (A) his reasonable and necessary expenses in
8 moving himself, his family, his business, farm oper-
9 ation, or other personal property, and for his rea-
10 sonable and necessary expenses in searching for a
11 replacement property;

12 (B) if he disposes of personal property on
13 moving his business or farm operation and re-
14 places such property at the new location at a
15 price exceeding any sum received from dispos-
16 ing of such property, the amount of the difference
17 between such prices not to exceed the estimated
18 cost of moving the property or its market value,
19 whichever is less; and

20 (C) such other expenses authorized by section
21 211 (a) as may be provided for in regulations issued
22 under this section;

23 (3) that a displaced person who makes proper
24 application for a relocation payment authorized for such
25 person by this title shall be paid promptly after a move

1 or, in certain hardship cases, the President may, by
2 regulation, authorize advance payment of certain relo-
3 cation costs;

4 (4) that any person aggrieved by a determination
5 as to eligibility for a relocation payment authorized by
6 this title, or the amount of a payment, may have his
7 application reviewed by the head of the Federal agency;
8 and

9 (5) that a displaced person shall have a reasonable
10 time in which to apply for a relocation payment au-
11 thorized by this title.

12 (b) The President may, by regulation, establish a limi-
13 tation on the amount of a relocation payment authorized by
14 section 211 (a) with due consideration for the declaration
15 of policy of this title and the provisions of subsection (a)
16 of this section and section 231 (c) .

17 (c) In order to prevent unnecessary expense and dupli-
18 cation of functions, and to promote uniform and effective
19 administration of relocation assistance programs for dis-
20 placed persons, the President is authorized to require that
21 any Federal agency make relocation payments or provide
22 relocation services, or otherwise carry out its functions under
23 this title, by utilizing the facilities, personnel, and services
24 of any other Federal agency, or by entering into appropriate
25 contracts or agreements with any State agency having an

1 established organization for conducting relocation assistance
2 programs.

3 (d) The President may make such other rules and
4 regulations consistent with the provisions of this title as he
5 deems necessary or appropriate to carry out this title.

6 PART D—GENERAL PROVISIONS

7 SEVERABILITY

8 SEC. 251. If any provision of this title, or the applica-
9 tion thereof to any person or circumstance is held invalid,
10 the remainder of this title and the application of the provi-
11 sion to other persons or circumstances shall not be affected
12 thereby.

13 REPEALER

14 SEC. 252. (a) The following laws and parts of laws are
15 hereby repealed:

16 (1) the Act entitled “An Act to authorize the
17 Secretary of the Interior to reimburse owners of lands
18 required for development under his jurisdiction for their
19 moving expenses, and for other purposes,” approved
20 May 29, 1958 (43 U.S.C. 1231–1234) ;

21 (2) paragraph 14 of section 203 (b) of the Na-
22 tional Aeronautics and Space Act of 1958 (42 U.S.C.
23 2473) ;

24 (3) section 2680 of title 10, United States Code ;

25 (4) section 133 of title 23, United States Code ;

1 (5) section 7 (b) of the Urban Mass Transporta-
2 tion Act of 1964 (49 U.S.C. 1606 (b)) ;

3 (6) section 105 (c) of the Housing Act of 1949
4 (42 U.S.C. 1455 (c)) ;

5 (7) section 114 of the Housing Act of 1949 (42
6 U.S.C. 1465) ;

7 (8) paragraph (7) (b) (iii) of section 15 of the
8 United States Housing Act of 1937 (42 U.S.C. 1415
9 (7) (b) (iii)) ;

10 (9) paragraph (8) of section 15 of the United
11 States Housing Act of 1937 (42 U.S.C. 1415 (8)) ,
12 except the first sentence of such paragraph ;

13 (10) section 404 of the Housing and Urban De-
14 velopment Act of 1965 (42 U.S.C. 3074) ;

15 (11) section 107 (b) and (c) of the Demonstra-
16 tion Cities and Metropolitan Development Act of 1966
17 (42 U.S.C. 3307) ;

18 (12) chapter 5 of title 23, United States Code ; and

19 (13) sections 32 and 33 of the Federal Aid High-
20 way Act of 1968 (Public Law 90-495) .

21 (b) Any rights or liabilities now existing under prior
22 Acts or portions thereof shall not be affected by the repeal

1 of such prior Acts or portions thereof under subsection (a)
2 of this section.

3 EFFECTIVE DATE

4 SEC. 253. (a) Except as provided in subsection (b),
5 this title and the amendments made by this title shall become
6 effective one hundred and eighty days after the date of its
7 enactment.

8 (b) Sections 231, 232, and 252 (a) (4), (5), (6),
9 (7), (8), (9), (10), and (11) shall take effect on
10 July 1, 1971, except that commencing one hundred and
11 eighty days after enactment, the provisions of sections 231
12 and 232 shall be applicable with respect to any grant to or
13 contract or agreement with a State agency to the extent
14 it is able under its laws to comply with such sections and
15 the provisions of Federal law governing relocation payments
16 and assistance otherwise applicable to grants to or contracts
17 or agreements with such agency shall be superseded by
18 this title.

19 FUND AVAILABILITY

20 SEC. 254. Funds appropriated or otherwise available
21 to any Federal agency for the acquisition of real property

1 or any interest therein shall be available also for obligation
2 and expenditure to carry out the provisions of this title.

3 TITLE III—UNIFORM LAND ACQUISITION

4 POLICY

5 PART A—FEDERAL PROGRAMS

6 UNIFORM POLICY ON LAND ACQUISITION PRACTICES

7 SEC. 301. (a) In order to encourage the acquisition
8 of real property by amicable agreements with owners, to
9 relieve congestion in the courts, to assure consistent treat-
10 ment for owners in the many Federal programs, and to pro-
11 mote public confidence in Federal land acquisition practices,
12 heads of Federal agencies shall be governed by the following
13 policies:

14 (1) The head of a Federal agency shall conduct trans-
15 actions for the acquisition of real property in such a manner
16 as to assure to the extent possible that persons whose prop-
17 erty is acquired shall not be worse off economically than
18 they were before the property was acquired.

19 (2) The head of a Federal agency shall make every
20 reasonable effort to acquire real property by negotiated
21 purchase.

22 (3) Real property shall be appraised before the initia-
23 tion of negotiations, and the owner or his designated repre-
24 sentative shall be given an opportunity to accompany the

1 appraiser during his inspection of the property. A copy of
2 the appraisal report shall be furnished the landowner.

3 (4) Before the initiation of negotiations for real prop-
4 erty, the head of the Federal agency concerned shall estab-
5 lish an amount which he believes to be just compensation,
6 such amount not to be less than the appraised value of the
7 property as approved by such agency head, and shall make
8 a prompt offer to acquire the property for the full amount
9 so established. Any decrease or increase in the value of real
10 property prior to the date of valuation caused by the public
11 improvement for which such property is acquired, or by the
12 likelihood that the property would be acquired for the pro-
13 posed public improvement, other than that due to physical
14 deterioration within the reasonable control of the owner,
15 will be disregarded in determining the compensation for the
16 property.

17 (5) Unless the head of the Federal agency determines
18 that an emergency exists and severe or irreparable damages
19 or injury may be caused by complying with this subsec-
20 tion, no owner shall be required to surrender possession of
21 real property before the head of the Federal agency con-
22 cerned pays the agreed purchase price, or deposits with
23 the court in accordance with section 1 of the Act of February
24 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the ben-

1 efit of the owner an amount not less than the appraised
2 fair value of such property as determined by such agency
3 head, or the amount of the award of compensation in the
4 condemnation proceeding for such property.

5 (6) The construction or development of public improve-
6 ments shall be so scheduled that, to the greatest extent
7 practicable, no person lawfully occupying the real property
8 shall be required to move from his home, farm, or business
9 location without at least ninety days' written notice from
10 the head of the Federal agency concerned.

11 (7) If the head of the Federal agency concerned does
12 not require a building, structure, or other improvement ac-
13 quired as a part of the real property, he shall, where practi-
14 cable, offer to permit its owner to remove it. As a condition of
15 removal, an appropriate agreement shall be required whereby
16 the fair value of such building, structure, or improvement
17 for removal from the real property, as determined by such
18 agency head, will be deducted from the compensation other-
19 wise to be paid for the real property, however such compen-
20 sation may be determined.

21 (8) If the head of a Federal agency permits an owner
22 or tenant to occupy the real property acquired on a rental
23 basis for a short term or for a period subject to termination
24 by the Government on short notice, the amount of rent

1 required shall not exceed the fair rental value of the property
2 to a short-term occupier.

3 (9) In no event shall the head of a Federal agency
4 either advance the time of condemnation, or defer the con-
5 demnation and the deposit of funds in court for the use of
6 the owner, in order to compel an agreement on the price to
7 be paid for the property. If any agency head cannot reach an
8 agreement with the owner, after negotiations have con-
9 tinued for a reasonable time, he shall promptly institute
10 condemnation proceedings and, at the same time or as soon
11 thereafter as practicable, file a declaration of taking and
12 deposit funds with the court in accordance with the Act of
13 February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if
14 possession is required prior to the entry of the judgment
15 in the condemnation proceeding.

16 (10) If an interest in real property is to be acquired
17 by exercise of the power of eminent domain, the head of
18 the Federal agency concerned shall, except as to property
19 to be acquired under section 25 of the Tennessee Valley
20 Authority Act of 1933, as amended (48 Stat. 70; 16 U.S.C.
21 831x), require the Attorney General to institute formal con-
22 demnation proceedings. No Federal agency head shall inten-
23 tionally make it necessary for an owner to institute legal pro-
24 ceedings to prove the fact of the taking of his property.

1 (11) If only a portion of a parcel of real property is
2 to be acquired, thereby leaving the unacquired portion with-
3 out economic use, the head of the Federal agency concerned
4 shall offer to acquire the entire property.

5 (12) In determining the boundaries of a proposed
6 public improvement, the head of the Federal agency con-
7 cerned should take into account human considerations, in-
8 cluding the economic and social effects of such determina-
9 tion on the owners and tenants of real property in the
10 area, in addition to engineering and other factors.

11 (b) The provisions of this section shall not affect the
12 validity of any property acquisitions by purchase or con-
13 demnation.

14 BUILDINGS, STRUCTURES, AND IMPROVEMENTS

15 SEC. 302. (a) Notwithstanding any other provisions of
16 law, if the head of a Federal agency acquires land or any
17 interest in land for public use in a State, he shall acquire
18 a like interest, or greater interest, in all buildings, structures,
19 or other improvements on the land so acquired which are
20 required to be removed from the land or which, in the
21 opinion of such agency head, will be adversely affected by
22 such public use, if such improvements are not required to be
23 removed.

24 (b) As used in this section, the term "real property"
25 means land, or any interest in land, and (1) any building,

1 structure, or other improvement imbedded in or affixed to
2 land, and any article so affixed or attached to such building,
3 structure, or improvement as to be an essential and integral
4 part thereof; (2) any article affixed or attached to such
5 real property in such manner that it cannot be removed
6 without material injury to itself or the real property; and
7 (3) any article so designed, constructed, or specially adapted
8 for the purpose for which such real property is used that
9 (A) it is an essential accessory or part of such real prop-
10 erty, (B) it is not capable of use elsewhere, and (C) it
11 would lose substantially all its value if removed from the
12 real property.

13 (c) (1) For the purpose of determining the extent of
14 the acquisition of real property and the valuation thereof, no
15 building, structure, or other improvement shall be deemed
16 to be other than a part of the real property solely because
17 of the right or obligation of a tenant, as against the owner
18 of any other interest in the real property, to remove such
19 building, structure, or improvement at the expiration of his
20 term, and the head of the Federal agency shall pay to the
21 tenant the fair value of the building, structure, or improve-
22 ment, which fair value shall be determined by such agency
23 head as the greatest of (A) the contributive value of the
24 improvement to the present use of the entirety, (B) the
25 current cost of replacement less depreciation of the improve-

1 ment, or (C) the value of the improvement for removal
2 from the property.

3 (2) Payment under this subsection shall not result in
4 duplication of any payments otherwise authorized by law.
5 No such payment shall be made unless the fee owner of
6 the land involved disclaims any interest in the improve-
7 ments of the lessee. In consideration for any such payment,
8 the lessee shall assign, transfer, and release to the United
9 States all his right, title, and interest in and to such improve-
10 ments. No provision of this subsection shall be construed
11 to deprive the lessee of his right to reject the payments
12 hereunder and to obtain payment for his property interests
13 of just compensation as otherwise defined by law.

14 EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO
15 UNITED STATES

16 SEC. 303. The head of a Federal agency as soon as
17 practicable after the date of payment of the purchase price or
18 the date of deposit of funds to satisfy the award of com-
19 pensation in a condemnation proceeding to acquire real
20 property, whichever is the earlier, shall reimburse the owner
21 for necessary and reasonable expenses incurred for—

22 (1) recording fees, transfer taxes, and similar ex-
23 penses incidental to conveying such real property;

24 (2) penalty costs for prepayment of any mortgage
25 entered into in good faith encumbering such real prop-

erty if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws.

PART B—FEDERALLY ASSISTED PROGRAMS

REQUIREMENTS FOR APPROVAL OF CONTRACTS OR

AGREEMENTS FOR FEDERAL ASSISTANCE

SEC. 321. (a) Notwithstanding any other provision of law, on and after the date of enactment of this section no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—

(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;

1 (2) that the construction or development of the
2 public improvement shall be so scheduled that, to the
3 greatest extent practicable, no person lawfully occupy-
4 ing the real property shall be required to move from
5 his home, farm, or business location without at least
6 ninety days' written notice from such State agency; and

7 (3) that it shall be the policy of the head of the
8 State agency, before initiating negotiations for real
9 property, to establish an amount which he believes to
10 be just compensation, under the laws of the State, such
11 amount not to be less than the appraised value of the
12 property as approved by such State agency head, and
13 to make a prompt offer to acquire the property for the
14 full amount so established.

15 (b) Notwithstanding any other provision of law, no
16 grant to, or contract or agreement with, a State agency, under
17 which Federal financial assistance will be available to pay
18 in whole or in part the cost of the acquisition of real prop-
19 erty, or of a public improvement for which real property is
20 to be acquired, may be approved by the head of the Federal
21 agency responsible for the administration of such Federal
22 financial assistance, unless such State agency has entered
23 into the agreements described in subsection (a) of this sec-
24 tion and has also agreed—

25 (1) that no owner will be required to surrender

possession of real property before the head of the State agency (A) pays the agreed purchase price, (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;

(2) that the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—

(A) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;

(B) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the State agency; and

1 (C) the pro rata portion of real property
2 taxes allocable to a period subsequent to the date of
3 vesting title in the State or the effective date of a
4 court order of possession, whichever is the earlier,
5 unless such pro rata portion of the taxes may be
6 cancelled under State or local laws;

7 (3) that any decrease or increase in the value of
8 real property prior to the date of valuation caused by
9 the public improvement for which such property is ac-
10 quired, or by the likelihood that the property would be
11 acquired for the proposed public improvements, other
12 than that due to physical deterioration within the reason-
13 able control of the owner, will be disregarded in deter-
14 mining the compensation for the property; and

15 (4) that for the purpose of determining the extent
16 of the acquisition of real property and the valuation
17 thereof, no building, structure, or other improvement
18 shall be deemed to be other than a part of the real prop-
19 erty solely because of the right or obligation of a tenant,
20 as against the owner of any other interest in the real
21 property, to remove such building, structure, or improve-
22 ment at the expiration of his term, and the head of the
23 State agency shall pay to the tenant the fair value of the
24 building, structure, or improvement, which fair value
25 shall be determined by such agency head as the greatest

of (1) the contributive value of the improvement to the present use of the entirety, (2) the current cost of reproduction less depreciation of the improvement, or (3) the value of the improvement for removal from the property, except that (1) payment hereunder will not result in duplication of any payments otherwise authorized by law; (2) the fee owner of the land involved disclaims any interest in the improvements of the lessee; and (3) the lessee in consideration for such payment shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements. No provision of this paragraph shall be construed to deprive the lessee of his right to reject the payments hereunder and to obtain payment for his property interests of just compensation as otherwise defined by law.

PROVISIONS REPEALED

SEC. 322. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073) and section 35 of the Federal Aid Highway Act of 1968 (Public Law 90-495) are hereby repealed.

EFFECTIVE DATE

SEC. 323. (a) Except as provided in subsection (b), this title shall become effective one hundred and eighty days after enactment.

(b) Sections 321 (b) and 322 shall take effect on July

1 1, 1971, except that commencing one hundred and eighty
2 days after enactment, the provisions of section 321 (b) shall
3 be applicable with respect to any grant to or contract or
4 agreement with a State agency to the extent it is able under
5 its laws to comply with such sections and the provisions of
6 Federal law governing acquisition of real property otherwise
7 applicable to grants to or contracts or agreements with such
8 agency shall be superseded by this title.

9 TITLE IV—JUDICIAL REVIEW

10 SEC. 401. The provisions of sections 551–553, 559, and
11 701–706 of title 5, United States Code, shall apply to an
12 action of a Federal agency under titles II and III. For pur-
13 poses of this title, the definition of “person” contained in
14 section 551 (2) of title 5, United States Code, shall be
15 deemed to include a State as defined by section 102 of this
16 Act.

17 SEC. 402. Any person or State adversely affected or
18 aggrieved by a final action of a Federal agency under title
19 II or title III of this Act may seek judicial review of such
20 final agency action and demand appropriate relief in a
21 judicial district of the United States as follows:

22 (1) if the agency action pertains to property or any
23 interest therein acquired or being acquired by the United
24 States, or the ownership or right of the United States

1 to possession of property, by an action in the judicial
2 district in which the property is situated; and

3 (2) in all other matters, by an action in a judicial
4 district as provided for in section 1391 (e) of title 28,
5 United States Code.

Passed the Senate October 27, 1969.

Attest: FRANCIS R. VALEO,
Secretary.

AN ACT

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

OCTOBER 28, 1969

Referred to the Committee on Public Works

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of November 19, 1970
91st-2nd; No. 185

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HIGHLIGHTS: Senate accepted conference report on farm bill.
House appointed conferees on Agricultural appropriations bill
House passed trade bill.
House subcommittee approved a clean bill on Animal Welfare Act.
Rep. Cohelan inserted analysis of farm payments recipients.

SENATE

1. FARM BILL. After Sen. Ellender and several other Senators expressed criticism and opposition, the conference report on H.R. 18546, the Agricultural Act of 1970, was adopted. This bill now goes to the President. pp. S18523-52

2. COMMITTEE ACTION. Committee on Commerce voted to report (but did not actually report) the following bills:
S. 4459, amended, establishing a Consumer Protection Agency; and
H.R. 14714, to encourage travel in the U.S. through facilities of the National Park Service. p. D1173
3. ENVIRONMENT. H.J. Res. 1117, to establish a Joint Committee on the Environment, was discharged from further committee consideration. The bill was subsequently passed after being amended to contain the language of S.J. Res. 207, passed by the Senate Nov. 18. The passage of S.J. Res. 207 was rescinded and the bill then indefinitely postponed. p. S18491
Sen. Hruska placed in the Record an address by Dr. A. Gordon Everett at the Nebraska Conference of Environmental Pollution. pp. S18507-8
4. ENERGY. Sen. Burdick called attention to remarks by Robert Partridge in which he discusses the current energy shortage. pp. S18509-10

HOUSE

5. AGRICULTURAL APPROPRIATIONS. Disagreed to the Senate amendments to H.R. 17923, the FY 71 Agricultural appropriations bill, and appointed Reps. Whitten, Natcher, Hull, Shipley, Evans of Colorado, Mahon, Langen, Michel, Andrews of North Dakota, and Bow as conferees. p. H10604
6. FOREIGN TRADE. Passed without amendment H.R. 18970, the Trade Act of 1970. pp. H10521-604
7. COMMITTEE ACTION.
A subcommittee of the Agriculture Committee approved a clean bill on the Animal Welfare Act for full committee action. p. D1174
Committee on Appropriations reported H.R. 19830, the FY 71 HUD-Independent offices appropriation bill (H. Rept. 91-1616). p. H10612
Committee on Public Works voted to report (but did not actually report) S. 1, amended, to establish uniform relocation assistance and land acquisition policies applicable to Federal programs and Federal grant-in-aid programs. p. D1175
8. FARM-CITY WEEK. Rep. Sebelius noted that Nov. 20-26 was "National Farm-City Week" and stated that legislation of the 1970's must be "characterized by a sound rural-urban balance". p. H10608

EXTENSION OF REMARKS

9. FARM PAYMENTS. Rep. Cohelan placed in the Record an article summarizing a study by Charles Schultze which demonstrates that "42 percent of the . . . direct Federal payment . . . goes to the largest 7 percent of farmers with sales above \$40,000 per year". pp. E9751-2

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 2, 1970
91st-2nd; No. 192

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		Wilderness.....14

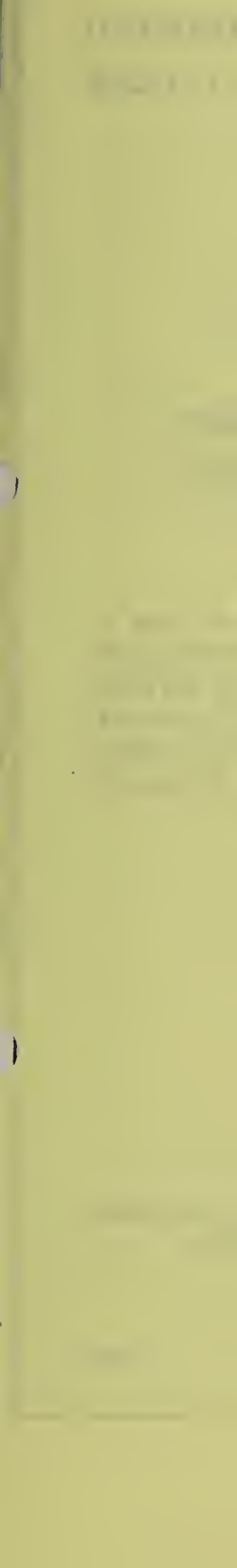
HIGHLIGHTS: Conferees agreed to file report on agricultural appropriations bill.
Senate passed bill granting trust title to national forest lands to Taos Indians.
Senate appointed conferees on water carrier mixing bill and highway construction bill.
House committee reported animal welfare bill.
House committee voted to report egg products inspection bill.
Rep. Schwengel criticized "unfair competitive advantage" Farm Credit Administration has in farm lending programs.

HOUSE

1. APPROPRIATIONS. Conferees agreed to file (but did not actually file) a conference report on H.R. 17923, the agricultural appropriations bill for FY 71. p. D1221
2. AGRICULTURE COMMITTEE ACTION.
Reported with amendment H.R. 19846, proposed Animal Welfare Act (H. Rept. 91-1651). p. H11082
Voted to report (but did not actually report) H.R. 19888 amended, proposed Egg Products Inspection Act. p. D1219
3. COMMITTEE ACTION.
Committee on Rules reported H. Res. 1290, providing for the consideration of S. 3070, plant variety protection; and H. Res. 1291, providing for the consideration of H.R. 18582, Food stamp amendments. p. H11082
Committee on Public Works reported S. 1, providing for equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs (H. Rept. 91-1656). p. H11082
Committee on Public Works voted to report (but did not actually report) H.R. 19877 amended, an omnibus rivers, harbors, and flood control bill. p. D1220
4. HOUSING AND URBAN DEVELOPMENT. Concluded general debate on H.R. 19436, proposed Housing and Urban Development Act of 1970, and began reading the bill for amendments. H. Res. 1271, the rule providing for consideration, was adopted earlier. pp. H10998-11053
5. FARM CREDIT ADMINISTRATION. Rep. Schwengel expressed fear that "The farm credit system threatens to become a monopoly disguised as a farmer-owned cooperative" and urged the restoration of "fair competition to the rural credit field". pp. H11078-91

SENATE

6. CARSON NATIONAL FOREST; TAOS INDIANS. Passed H.R. 471, granting trust title to the Taos Indians of 48,000 acres in the Blue Lake area of Carson National Forest, New Mexico. pp. S19220-44
7. WATER CARRIER MIXING RULE; HIGHWAY CONSTRUCTION. Conferees appointed on H.R. 8298, to eliminate certain restrictions relating to water carriers of bulk commodities, and on S. 4418, proposed Federal-Aid Highway Amendments of 1970. pp. S19188-9; S19244-52





UNIFORM RELOCATION ASSISTANCE AND
REAL PROPERTY ACQUISITION POLICIES
ACT OF 1970

REPORT
OF THE
COMMITTEE ON PUBLIC WORKS
HOUSE OF REPRESENTATIVES

TO ACCOMPANY

S. 1

A BILL TO PROVIDE FOR UNIFORM AND EQUITABLE
TREATMENT OF PERSONS DISPLACED FROM THEIR
HOMES, BUSINESSES, OR FARMS BY FEDERAL AND
FEDERALLY ASSISTED PROGRAMS AND TO ESTAB-
LISH UNIFORM AND EQUITABLE LAND ACQUISITION
POLICIES FOR FEDERAL AND FEDERALLY ASSISTED
PROGRAMS



DECEMBER 2, 1970.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

DECEMBER 2, 1970.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. FALLON, from the Committee on Public Works,
submitted the following

REPORT

[To accompany S. 1]

The Committee on Public Works, to whom was referred the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the matter that appears in *italic type* in the reported bill.

PURPOSE

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is the culmination of lengthy and extensive efforts to develop legislation establishing a uniform policy for the fair and equitable treatment of persons who are displaced, or have their real property taken for Federal and federally assisted programs. The need for such legislation arises from the increasing impact of Federal and federally assisted programs as such programs have evolved to meet the needs of a growing and increasingly urban population. In a less complex time, Federal and federally assisted public works projects seldom involved major displacements of people. There was relatively little taking of residential or commercial property for farm-to-market routes or for reservoirs or public buildings. Indeed, local support for such projects often resulted in little, if any, cost for land acquisition or rights-of-way. However, with the growth and development of an economy which is increasingly urban and metropolitan, the demand

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for public facilities and services has increasingly centered on such urban areas, and the acquisition of land for such projects has become the most difficult facet of many undertakings by public agencies. Also, a major public project—be it a highway, urban renewal project, or hospital—inevitably involves the acquisition and clearance of sites which now provide residential, commercial, or other services. As the thrust of Federal and federally assisted programs have shifted from rural to urban situations, it became increasingly apparent that the application of traditional concepts of valuation and eminent domain resulted in inequitable treatment for large numbers of people displaced by public action. When applied to densely populated urban areas, with already limited housing, the result can be catastrophic for those whose homes or businesses must give way to public needs. The result far too often has been that a few citizens have been called upon to bear the burden of meeting public needs.

These circumstances have received long and careful examination by committees of the Congress. In October 1961, the House Committee on Public Works established the Select Committee on Real Property Acquisition for the specific purpose of providing a comprehensive appraisal of the impact of Federal and federally assisted programs on displaced persons and property owners. This select subcommittee was chaired by the late Clifford Davis, of Tennessee, whose long experience in legislative affairs made a tremendous contribution to the workings of the subcommittee. The staff report to that subcommittee stands as the most comprehensive and authoritative work on the subject ever undertaken (Committee Print 31, 88th Congress, second session, 1964).

The imperative need for a uniform, fair, and comprehensive program in this area has been further documented in three major surveys. These are: Relocation: Unequal Treatment of People and Businesses Displaced by Governments, by the Advisory Commission on Intergovernmental Relations (January 1965); Housing of Relocated Families—Summary of the Bureau of the Census Survey of Families Recently Displaced from Urban Renewal Sites, by the then Housing and Home Finance Agency, Office of the Administrator (March 1965); and the Highway Relocation Assistance Study, required by section 12, Public Law 89-574, 89th Congress, second session, prepared by Bureau of Public Roads of the Department of Transportation (July 1967).

In addition, several committees of Congress have held numerous hearings on the subject in an effort to develop a comprehensive Federal policy. A major precedent was established in the Federal-Aid Highway Act of 1968, which provided a far more equitable and just system of relocation payments for both property owners and tenants displaced by federally assisted highway projects. On November 20, 1969, H.R. 14898 was introduced by Chairman Fallon to establish uniform policies for all Federal and federally assisted land acquisition programs. Beginning in December 1969 and continuing into the spring of this year, the committee held extensive hearings and received very helpful testimony from a variety of witnesses with knowledge and experience in this field.

The bill as recommended is necessary to eliminate the great inconsistencies that exist among Federal and federally assisted programs with respect to the amount and scope of payments, other assistance

provided, and assurance of housing offered. It recognizes that relocation is a serious and growing problem in the United States and that the pace of displacement will accelerate in the years immediately ahead. It recognizes that advisory assistance is of special importance in the relocation process especially for the poor, the nonwhite, the elderly, and people engaged in small business. It recognizes the need for more equitable land acquisition policies in connection with the acquisition of real property for these programs. In short, this legislation recognizes that the Federal Government has a primary responsibility to provide uniform treatment for those forced to relocate by Federal and federally aided public improvement programs and to ease the impact of such forced moves.

This legislation refines and strengthens the basic principles and programs in S. 1. as passed by the Senate. It provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. It establishes a uniform policy on real property acquisition practice for all Federal and federally assisted programs. And, perhaps most important of all, it gets to the heart of the dislocation problem by providing the means for positive action to increase the available housing supply for displaced low and moderate income families and individuals.

Each element of the reported bill is discussed in some detail in the section-by-section explanation that follows in this report.

The committee believes that this bill as reported provides for relief of the economic dislocation which occurs in the acquisition of real property for Federal and federally assisted programs. The tools in the reported bill are adequate to deal with the problem. The Congress, however, can only provide such tools. Their effective use depends upon the attitudes and skill of the officials in the executive branch of the Government responsible for their administration. The principle of adequate housing, for example, will require not only the use of the more liberal financial allowances authorized by the reported bill, but also imagination, ingenuity, and a desire on the part of its administrators to translate this authorization into equitable and satisfactory conditions for the people affected. It is the committee's intention to review the implementation of this legislation periodically with special emphasis on its impact on displaced persons.

This bill, as reported, is reported unanimously. It is a comprehensive effort to provide equitably for all persons affected by Federal or federally assisted programs.

SECTION-BY-SECTION EXPLANATION

TITLE I—GENERAL PROVISIONS

Section 101. Definitions

This section defines for the purposes of the bill the terms: "Federal agency," "State," "State agency," "Federal financial assistance," "person," "displaced person," "business," "farm operation," and "mortgage." These definitions are self-explanatory except for the following:

(1) The National Capital Housing Authority and the District of Columbia Redevelopment Land Agency are excluded from the definition of "Federal agency" and are included in the definition of "State agency" since they function essentially as local urban renewal and public housing agencies and receive Federal financial assistance under such programs. The District of Columbia is defined as a State since it receives substantial amounts of Federal financial assistance under various programs which provide such assistance to State or local government agencies. (Activities of the District of Columbia for which no such Federal financial assistance program is available, and of the Washington Metropolitan Area Transit Authority, are made subject to the bill by section 209.)

(2) The term "Federal financial assistance" means any grant, loan or contribution provided by the United States, except any Federal guarantee or insurance, any annual payment toward defraying the expenses of the Government of the District of Columbia, and any loans to the District of Columbia for capital outlay. These payments and loans to the District are excluded from the definition, inasmuch as they are comparable to State funds and their purpose is to enable the District to carry out its governmental functions, and, among other matters, to finance the general public works programs of the District, including school construction, sewer and water improvements, higher education facilities, and the District's contribution to the Washington Metropolitan Area Transit Authority for the construction of the rapid rail transit system; and to provide matching funds required by the District to participate in Federal financial assistance programs, such as urban renewal, public housing, Federal-aid highways, and model cities.

(3) The term "displaced person" means any person who, on or after the effective date of the act, moves from real property, or moves his personal property from real property as a result of the acquisition of such real property, or as the result of the written notice of the acquiring agency or any other authorized person to vacate such property, for a program or project undertaken by a Federal agency, or by a State agency with Federal financial assistance. If a person moves as the result of such a notice to vacate, it makes no difference whether or not the real property actually is acquired.

It is immaterial whether the real property is acquired before or after the effective date of the bill, or by Federal or State agency; or whether Federal funds contribute to the cost of the real property. The controlling point is that the real property must be acquired for a Federal or Federal financially assisted program or project. For example:

(a) A number of State highway departments frequently acquire rights-of-way for Federal-aid highways (usually, other than the Interstate System) with non-Federal funds, and seek Federal financial assistance only for the actual construction work. Persons required to move from such rights-of-way are recognized as displaced persons under the relocation provisions of the Federal-Aid Highway Act of 1968 and this bill affirms that principle.

(b) Post Office Department witnesses before the committee called attention to the fact that although the Department's construction requirements involve about 1,000 buildings annually, the postal building program, as such, accounts for only a few construction starts

each year. Occasionally, the Department acquires the site and transfers it to the successful bidder for construction and lease back to the Department. In most cases, however, building sites are obtained through the Department's leasing authority. Usually, these sites are controlled through an option procedure with title neither vesting in or passing through the Post Office Department. Instead, the option is assigned to a successful bidder who becomes the owner of the land, and the Department's long-term lessor. Some of these sites are for large postal facilities to be constructed in metropolitan areas where the only available and suitable land is occupied by numerous low-income individuals and families, and by small businesses.

It makes no difference to a person required to move because of the development of a postal facility which method the postal authorities use to obtain the facility, or who acquires the site or holds the fee title to the property. Since the end product is the same, a facility which serves the public and is regarded by the public as a public building, any person so required to move is a displaced person entitled to the benefits of this legislation.

Whenever the acquisition of real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property, on or after the effective date of the Act, such person may receive payments for moving and related expenses under subsections (a) and (b) of section 202, and relocation advisory assistance under section 205. For example, the acquisition of right-of-way for a highway improvement in a remote locality may include a general store and gas station, but exclude the operator's nearby dwelling or storage facility; or, the acquisition of real property used as a business or farm operation for a reservoir project may exclude the operator's dwelling located adjacent to, but outside the project boundaries.

Section 102. Finality of determinations

This action provides that any determination by the head of the Federal agency administering a program or project, as to payments under the act, shall be final, and that this act does not give any person a cause of action or a defense to an action in any court, or create any new elements of value or damage in any eminent domain proceedings. It states also that the provisions of the uniform policy on land acquisition practices, in section 301, do not create any rights or liabilities in any person and do not affect the validity of any acquisition by purchase or condemnation.

The committee has considered, but does not agree with, proposals which would make the benefits provided by the bill subject to judicial review. The committee agrees with the judgment of the Department of Justice, and others, who believe that this would add an unnecessary burden to the overcrowded courts. The primary purpose of the judicial review proposals is to give recognition to the principle that such benefits should be viewed as administrative payments to displaced persons. The committee believes that this objective can be achieved by the clear language of the bill which makes relocation payments and assistance, and the availability of suitable replacement housing for displaced persons, matters of congressional policy and makes agency heads responsible for faithful execution. Section 213(b)(3) of the bill provides an alternate to judicial review, by requiring the heads of Federal

agencies to establish regulations and procedures that will assure any person aggrieved by a determination as to eligibility for a payment authorized by this act, or the amount of the payment, may have his application reviewed by the head of the Federal agency having authority over the project; or in the case of a program receiving Federal financial assistance, by the head of the State agency.

TITLE II—UNIFORM RELOCATION ASSISTANCE

Section 201. Declaration of policy

This section states that the purpose of title II is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs so that they will not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

Section 202. Moving and related expenses

This section describes the moving and related expenses payment that shall be made to persons displaced by Federal programs and projects. Section 210 of the bill makes the same benefits available to persons displaced by Federal financially assisted programs and projects of State agencies. Except in the case of certain businesses, any displaced person may elect to accept a fixed payment, according to a schedule or formula, or to prove actual reasonable expenses and personal property losses.

Fixed payments are designed to facilitate agreements, accelerate the delivery of funds to displaced persons, simplify administration, and minimize redtape. Generally, optional payments will be advantageous to displaced persons and to administering agencies, and the use of such payments should be encouraged. In some instances, however, a displaced person will find it desirable to prove his actual expenses and personal property losses, as where a displaced business does not qualify for an optional fixed payment, or in the case of displaced large business or farm operations which must move substantial amounts of machinery, equipment or stock at costs in excess of the maximum payment available under the optional provision.

Subsection (a) provides that whenever the acquisition of real property for a program or project will result in the displacement of any person on or after the effective date of this act, the head of the Federal agency shall make a payment to such person, upon proper application, for—

- (1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;
- (2) actual direct losses of tangible personal property in moving or discontinuing a business or farm operation, but not more than the reasonable expenses that would have been required to relocate such property; and
- (3) actual reasonable expenses in searching for a replacement business or farm.

Payments for direct losses of property are allowed where a person who is displaced from his place of business or farm operation is entitled to relocate his property, but does not do so. Typical items in the case of a business include equipment, machinery, or fixtures which are no longer required; where the business or farm operation is to be discontinued or the property is not suitable for use at the new location.

The relocation of old trade fixtures, machinery, or equipment frequently is impractical or uneconomical, if not impossible, and could be a deterrent to the successful re-establishment of a business.

A person displaced from a business or farm operation may be compensated for actual direct property losses, whether he discontinues, or reestablishes his operation. However, the maximum amount of any such payment may not exceed the reasonable expenses that would have been required to relocate the property and, in the case of heavy machinery, equipment, or other property involving substantial sums, also should not exceed the in-place value of the property.

Subsection (a) also authorizes payment for actual reasonable expenses incurred by a displaced person in searching for a replacement business or farm. The Army Corps of Engineers has made payments of this kind to displaced farm operators for many years without difficulty. In general, the Engineers' guidelines provide for transportation expenses, meals, and lodging away from home, and within established limits for the reasonable value of time actually spent in search. The Engineers have found this provision particularly helpful in situations where the acquisition of large numbers of farms, for a reservoir project, has made it difficult to locate a suitable replacement in the vicinity of the project, and necessitated a move to a location at a considerable distance from the old location.

The committee expects the heads of Federal agencies to include appropriate provisions in their regulations and procedures implementing the bill that will assure that payments under the bill are held to reasonable limits, including reasonable mileage limitations.

The bill does not provide such payments for displaced persons required to move from their dwellings, inasmuch as the optional moving expenses payment and fixed dislocation allowance available to all such persons under subsection (b) is considered to achieve the same general objective, without substantive administrative effort that would be required if such provisions were made applicable to dwellings.

Subsections (b) and (c), authorize optional payments for displaced persons who elect to receive them in lieu of payments for actual expenses and losses under subsection (a), as follows:

(1) A displaced person required to move from a dwelling may elect to receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$300, and a fixed dislocation allowance of \$200.

(2) A person who is displaced from his place of business or farm may, whether he discontinues or reestablishes operations, elect to receive a fixed relocation payment equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. A fixed payment can be made, in the case of a business, only if the Federal agency head determines that the business cannot be relocated without a substantial loss of its existing patronage and is not a part of a chain store operation.

The term "average annual net earnings" ordinarily means one-half of any net earnings of the business or farm operation before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation

moves from the real property acquired, and includes any compensation paid to the owner, his spouse, or his dependents during such 2-year period. The head of the Federal agency may substitute such other period as he determines to be more equitable for establishing such earnings.

This discretionary authority should be helpful in the case of a displaced person whose business was not in operation for the full 2-year period, or in a situation where an unusually long time lag between the public announcement of a project and the displacement results in a material reduction in the earnings of the business during such 2-year period.

The committee included the \$2,500 minimum fixed payment provision in subsection (c) because of its special concern or, and desire to assist owners of "mom-pop" businesses and owner occupants of small multi-family dwellings many of whom may lose their sole or primary source of livelihood as the result of displacement.

The committee intends that any displaced owner-occupant of multi-family dwelling who earns income from such dwelling shall be regarded as displaced from his place of business, in addition to having been displaced from his dwelling, and eligible for a fixed payment based on such earnings, under subsection (c).

Section 203. Replacement housing for home owners

This section builds upon the principle, recognized for the first time in any nationwide program in the Federal-Aid Highway Act of 1968 (Sec. 506(a)) and subsequently adopted in programs of the Department of Housing and Urban Development, that, at least within specified limits, a displaced home owner should not be left worse off economically than he was before displacement, and should be able to relocate in a comparable dwelling which is decent, safe and sanitary, and adequate to accomodate him, within standards established by the head of the Federal agency having authority over the program for which he is displaced.

The additional payment, not to exceed \$5,000, authorized by that Act as a supplement to the market value payment for real property under traditional eminent domain concepts, represented a substantial advance in the field of relocation legislation. Its primary value, however, has been to displaced persons in locations where comparable and decent replacement housing is available, or can readily be made available, at somewhat higher prices than the market value payments for the dwellings acquired for a program or project. In these locations, the supplemental payment often is sufficient to cover the housing cost differential and, if broadly administered, could cover closing costs and, to some degree, the loss of favorable financing.

However, it is evident that this does not provide the means for solving the more difficult relocation problems, especially in large heavily populated urban areas, as well as in rural areas, where an adequate supply of such housing is not available and cannot be devel-

oped to sell at prices, and at terms, including monthly debt service costs, which displaced persons can afford. In these instances, even if the full \$5,000 supplement were made available to such a person the total amount available would not be adequate to stimulate the development of the necessary additional housing, and may contribute to increased prices for whatever limited housing is available. Consequently, in some cases the objective of the 1968 Act has not been met, and important projects continue to be delayed or stopped.

This section therefore authorizes a supplemental payment to any person displaced for a Federal project (section 210 makes the same payments available to Federal financially assisted projects), not to exceed \$15,000, for the following:

(1) An amount to bridge the gap, if any, between the acquisition payment for a dwelling under the eminent domain "market value" standard, and the actual reasonable cost which a displaced home owner must pay for a comparable dwelling which is decent, safe and sanitary, and adequate to accommodate him, in an area not generally less desirable with regard to public utilities and public and commercial facilities and services, reasonably accessible to places of employment, and available in the private market, within standards established by the head of the Federal agency having authority over the program or project. Replacement housing satisfying these requirements must be available to the home owner, before displacement, at terms that he can reasonably afford and that do not worsen his economic condition. In other words, the displaced person should not have to spend more for monthly payments of principal and interest on a mortgage for the comparable replacement dwelling.

(2) An amount to compensate the displaced home owner for the present worth of any loss of favorable financing. This lump sum payment will be made only if there is a valid mortgage on the property for at least 180 days prior to the beginning of negotiations for its acquisition. The amount of such payment will be computed on the basis of, and limited to—

(a) the amount of the unpaid debt at the time of acquisition of the real property;

(b) the length of the remaining term of the mortgage at the time of acquisition;

(c) the prevailing interest rate currently charged by mortgage lending institutions in the vicinity;

(d) the present worth of the future payments of increased interest, computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

To facilitate the administration of this provision, the determination of the amount of the payment may be based upon a schedule adopted by such Federal agency head, which shall be computed by taking into account the foregoing factors.

The following shows the calculation of a payment for increased interest costs:

Example of computation of payment for increased interest cost

DWELLING TO BE ACQUIRED	
Acquisition price.....	\$12, 000. 00
Existing mortgage:	
Interest rate (percent).....	6
Remaining term (years).....	10
Remaining principal balance.....	\$7, 295. 93
Monthly principal and interest payment.....	\$81. 02
Owner's equity.....	\$4, 704. 07

AVAILABLE COMPARABLE DECENT, SAFE, AND SANITARY DWELLING	
Price.....	\$15, 000. 00
Prevailing interest rate (percent).....	8
Supplemental payment for replacement housing cost differential.....	\$3, 000. 00
Payment for increased interest cost.....	\$700. 00

COMPUTATION OF PAYMENT FOR INCREASED INTEREST COST	
Monthly principal and interest cost for new mortgage of \$7,295.93— for 10 years at 8 percent interest.....	\$88. 57
Monthly principal and interest cost for existing mortgage of \$7,295- .93—for 10 year at 6 percent interest.....	\$81. 02
Monthly interest difference.....	7. 55
Present worth of \$7.55 monthly interest difference for 10 years, dis- counted at the assumed interest rate paid on savings deposits, at 5 percent.....	\$700. 00
Increased interest cost payment due property owner.....	\$700. 00

(3) An amount to compensate the home owner for reasonable costs of evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not for prepaid expenses.

To qualify for any payment under this section, a displaced person must move from a dwelling owned and occupied by him for not less than 180 days before the initiation of negotiations for the acquisition of the property. The dwelling may be a single family building, a one-family unit in a multi-family building, a unit of a condominium or cooperative housing project, or any other residential unit, including a mobile home which either is considered to be real property under state law, cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe and sanitary dwelling; and it is "owned" by the displaced person, if he holds the fee title, a life estate, a 99 year lease, or a lease with not less than 50 years to run from the date of the acquisition of the property or has an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any of such estates or interests.

In addition, subsection (a)(2) provides that such a payment shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling not later than the end of the one-year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or the date on which he moves from the acquired dwelling, whichever is the later date.

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will be based on the cost of a comparable one-family unit in a multi-family building or a single-family structure, without regard to the number of units in his building. No payment under this section will

dwelling, or the date on which he moves from the acquired dwelling, whichever is the later date.

Any dwelling which meets the standards established by the head of the Federal agency concerned, including a unit of a condominium or cooperative housing project, or where appropriate a mobile home, may be a replacement dwelling. A displaced person "purchases" such a dwelling within the intent of such subsection whether he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquires for the purpose.

The Committee recognizes that there may be instances in which the completion of construction or rehabilitation of a replacement dwelling may be delayed, for reasons not within the reasonable control of the displaced person, beyond the date by which occupancy is required by such subsection. Where this occurs, the head of the Federal agency concerned may determine the date of occupancy as the date that the displaced person enters into a contract for such construction or rehabilitation, or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated on a site provided by a builder or developer, if in fact the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

Such a determination should rarely be necessary since ordinarily the displacement will not occur until the replacement dwelling is ready. The Committee has in mind, however, the situation where, for example, although existing comparable replacement dwellings may be available, the displaced person prefers to enter into a contract to purchase a dwelling to be constructed in a subdivision, or contracts for the construction of a dwelling on a site which he owns or acquires for the purpose. In such a case, the schedule for construction of the project may make it necessary for him to move to temporary quarters before the new dwelling is available. The discretionary authority of the head of the Federal agency to recognize an earlier date of occupancy in such a case can preserve the displaced homeowner's options in obtaining a replacement dwelling, without adversely affecting the progress on, or increasing the cost of, the program or project.

Whenever a displaced person is eligible for a payment under this section except that he has not yet purchased a replacement dwelling, the head of the Federal agency concerned shall at the request of the displaced person provide a written statement to any interested person, financial institution or lending agency as to such person's eligibility for a payment and the requirements that must be satisfied before such payment can be made. If the proposed replacement dwelling has been selected or if plans and specifications are available for the construction or rehabilitation of a proposed dwelling the agency shall, after inspecting the dwelling or plans and finding that they meet the required standards, include such finding and the amount of the payment to be available in such statement.

Any payment to a displaced person who is required to move from a one-family unit of a multi-family building owned by such person, will be based on the cost of a comparable one-family unit in a multi-family building or a single-family structure, without regard to the number of units in his building. No payment under this section will

affect any displaced person's eligibility to receive a payment under section 202 for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building not included in his dwelling.

When two or more individuals living together in a single-family dwelling are displaced from a dwelling, they will be regarded as one displaced person for the purposes of this section, or sections 202(b), 204, and 206. Each such individual, however, may receive a payment for actual moving expenses and losses under section 202(a).

With the increased assistance available under this section, it is expected that many displaced home owners' needs for mortgage financing will be limited to a relatively small percentage of the cost of a comparable replacement dwelling. Conventional financing should be readily available under these conditions for most home owners from banks and savings and loan associations, among others. Federally insured mortgages also will be available for those that need or desire them.

Section 204. Replacement housing for tenants and certain others

The lack of decent, safe, and sanitary rental housing for displaced lower income families and individuals, at rentals they can afford, presents the most difficult of all relocation problems. These persons generally are tenants at will or sufferance who receive no compensation whatever upon displacement under eminent domain concepts of just compensation.

This section provides payments for tenants and for home owners, not eligible for assistance under section 203, who are displaced from dwellings for Federal projects (section 210 makes the same payments available to Federal financially assisted programs and projects).

Paragraph (1) of the section provides rental assistance payments for any such displaced person who has occupied the dwelling for not less than 90 days before the initiation of negotiations for acquisition of the property. Such payments may be made to or for the displaced person and will be in the amounts, not to exceed a total of \$4,000, that are necessary to enable him to lease or rent, for a period not to exceed four years, a comparable dwelling that is decent, safe, and sanitary in accordance with standards established by the head of the Federal agency concerned.

In order to encourage homeownership, paragraph (2) provides that the displaced person may receive the amount necessary to enable him to make a down payment and to cover his reasonable expenses for evidence of title, recording fees and other closing costs, on the purchase of a decent, safe, and sanitary dwelling of standards established by such Federal agency head. The maximum payment may not exceed \$4,000, except that if more than \$2,000 is required, the tenant must match any amount in excess of \$2,000 by an equal amount of his own funds in making the down payment.

Section 205. Relocation assistance services

Subsection (a) of this section requires the head of a Federal agency to provide a relocation assistance advisory program for persons displaced by Federal programs and projects. Such services also may be offered to any person occupying property adjacent to the project area who

such Federal agency head determines is caused substantial economic injury because of the project. Section 210 makes this provision applicable to Federal financially assisted programs and projects.

The permissive authority to assist persons occupying properties adjacent to the project extends the principle established in section 31 of the Federal-Aid Highway Act of 1968, which made the benefits of the small business disaster loan program under section 7(b)(3) of the Small Business Act available to any business caused substantial economic injury by its location, adjacent to, or near a Federal or Federal financially assisted construction project.

Subsection (b), directs Federal agency administering programs which can help displaced persons covered by this Act to cooperate with the Federal or State agency causing the displacement to assure that such persons received the maximum assistance available.

Subsection (c) spells out the types of services which the Federal agencies are to provide. Each relocation assistance program is to include measures, facilities, and services necessary or appropriate to—

(1) determine the needs, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

Subsection (d) directs the heads of Federal agencies to take positive action to assure the coordination of relocation activities with other project work, and other planned or proposed governmental actions in the community or any of the outlying areas which may affect the carrying out of relocation assistance programs.

The advisory assistance and coordination activities required by this section are key elements of any successful relocation effort and should be given positive support by all concerned with the implementation of the bill.

Services provided under this section may include such budget, debt management, and related counseling services as the head of the Federal agency responsible for the displacement determines will assist the displaced person in adjusting to the relocation.

The Committee is especially concerned that the public have adequate knowledge of the relocation program and that persons to be displaced be fully informed at the earliest possible time of such matters as the relocation payments and assistance available; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right to appeal to the head of the agency concerned, and the procedure for appealing.

Section 206. Housing replacement by Federal agency as a last resort

Subsection (b) of this section provides that no person shall be required to move from his dwelling for a Federal project unless the head of the Federal agency is satisfied that replacement housing, in accordance with section 205(c)(3), set out above, is available to such person. The phrase "to the extent that can reasonably be accomplished" is used in section 205(c)(3) only to provide for emergency or other extraordinary situations where immediate possession of real property is of crucial importance.

The matter of enforcing a State's assurance that replacement housing is available should be handled on an administrative basis by the Federal agency head responsible for administering Federal financial assistance. Such agency head should take constructive steps to require compliance with these assurances and to see that the program is so managed that sufficient lead time is provided between the commencement of the real property acquisition process and the actual construction of a project so that every individual or family that is displaced will have the opportunity to move to comparable decent, safe, and sanitary replacement housing.

Subsection (a) of this section provides that if a Federal project cannot proceed to construction because of the lack of replacement sale or rental housing of the required standards in the neighborhood or community in which the project is located, and the head of the Federal agency having authority over the project determines that such housing cannot otherwise be made available, he may take such action as may be necessary to provide such housing by the use of funds authorized for the project.

Under the broad authority of this section, the head of a Federal agency may enter into such cooperative agreements or other transactions as he deems appropriate in carrying out his functions, with any other Federal agency or any State agency, and he may enter into contracts with any individual, firm, association or corporation, for services in connection with such activities. The Committee desires that heads of Federal agencies shall, in carrying out relocation assistance activities under this section, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

The Committee emphasizes that this section does not authorize any agency to require a displaced person to accept a dwelling provided by such agency in lieu of his acquisition payment, if any, for the real

property from which he is displaced and the supplemental payment for which he may be eligible under section 203 or section 204. Such can be accomplished only by agreement between the agency and the displaced person. In the absence of an agreement, the displaced person may use the funds available to him for a replacement dwelling of his own choosing, so long as, if he expects to receive a supplemental payment, he satisfies all the requirements for such payment.

In addition to direct construction of new housing, the acquisition and rehabilitation of existing housing, and the relocation of existing housing, consideration should be given to the opportunities for stimulating the development of the required supply of housing through the use of seed money loans under section 215.

If such housing can be developed with such funding assistance, the administrative effect and overall cost to the program or project causing the displacements will be far less than the cost to such agency of constructing the housing.

Opportunities should be sought out for jointly financed projects which could aggregate rental housing requirements into feasible units. This would seem to be possible in an area where several agencies administer programs causing displacement, or the Department of Housing and Urban Development or the Department of Agriculture may be assisting in the construction of housing for low or moderate income families and individuals.

Section 207. State required to furnish real property incident to Federal assistance (local cooperation)

This section extends the benefits of the bill to persons displaced by, or who have real property taken for, a Federal public improvement project for which a State agency is obligated to provide the necessary lands, easements, and rights-of-way. The State agency is required to provide the payments and assistance and assure the availability of replacement housing for displaced persons, as other State agencies covered by the bill. The State agency will be responsible for the costs of satisfying these requirements in the same manner and to the same extent as for costs of lands, easements, and rights-of-way, except that in the case of any displacement or real property acquisition occurring prior to July 1, 1972, the Federal agency having authority over the project will pay 100% of the first \$25,000 of such costs.

Section 208. State acting as agent for Federal program

This section makes it clear that whenever a State agency acquires real property at the request of the Federal agency for a Federal program or project, such Federal agency shall make payments, provide assistance, and assure the availability of replacement housing as if it had acquired the real property.

Section 209. Public works programs and projects of the Government of the District of Columbia and of the Washington Metropolitan Area Transit Authority

This section extends the benefits of the bill to persons displaced by, or who have real property taken for, any program or project of the Government of the District of Columbia or the Washington Metropolitan Area Transit Authority, not otherwise covered by the bill. The Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, is required

to make all payments, provide all assistance, and assure the availability of replacement housing for displaced persons, as are required of a Federal agency by the bill.

Section 210. Requirements for relocation payments and assistance in federally assisted programs; assurances of availability of housing

This section provides in essence that a State agency shall agree, as a condition of such assistance, to make all relocation payments and provide all assistance as are required of Federal agencies by sections 202, 203, 204, and 205, and to provide assurances that comparable, decent, safe, and sanitary dwellings of standards established by the head of the Federal agency administering Federal financial assistance for such programs or projects will be available for displaced persons, prior to displacement, in accordance with section 205(c)(3).

To avoid future misunderstandings, Federal agency heads should include appropriate provisions in regulations or published procedures for implementing the bill to assure that State agencies responsible for Federal financially assisted programs and projects understand the applicability of the bill to such programs and projects.

The Committee intends that any determination that the head of the Federal agency is required or authorized to make, in the case of a Federal program or project, shall, in the case of a program or project receiving Federal financial assistance, be made by the head of the State agency concerned, except for determinations of standards of adequate replacement housing for displaced home owners and tenants. This recognition of the authority of the head of a State agency to make determinations under the bill with respect to the programs and projects of such agency, is not intended to negate any authority or responsibility of the head of the Federal agency concerned with administering Federal financial assistance for such programs and projects.

Section 211. Federal share of costs

Subsection (a) of this section provides that the cost to a State agency of providing payments and assistance under the bill (sections 206, 210, 215 and 305), shall be included as a part of the cost of a program or project for which Federal financial assistance is available to such State agency. The State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, in the case where the Federal financial assistance is by grant or contribution, the Federal agency shall pay the full amount of the first \$25,000 of the cost to a State agency of providing such payments and assistance, on account of any displacement or acquisition occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan the State agency the full amount of the first \$25,000 of such cost.

The full Federal funding of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person, on account of any acquisition or displacement occurring prior to July 1, 1972, is intended as an incentive, encouraging State agencies to comply with the bill as soon after enactment as possible, rather than to defer compliance until close to the July 1, 1972, mandatory date. In some Federal financial assistance programs, the total amount of the project costs eligible for such assistance is fixed by law or regulation or, in any case, is a fixed amount which cannot be changed.

The full Federal funding provision could be applied in such a case so as to eliminate the incentive. The Committee desires, therefore, that, for the purpose of determining the Federal and non-Federal shares of the eligible costs in such a project, any Federal payment made for the benefit of a displaced person shall first be deducted from the total eligible project costs, and the matching ratio applicable to such project shall apply to the balance of the project costs.

The language of subsection (a), providing that a State agency shall be eligible for Federal financial assistance in the same manner as other program and project costs, includes the situation where State agency matching for such other costs can be provided in cash or in-kind, including, in the case of the urban renewal program, non-cash credits. The Committee intends that the same requirements for State agency matching shall apply to costs of relocation payments and assistance to a displaced person, whatever the amount, as apply to such other program or project costs.

Subsection (b) provides that no relocation payment or assistance is to be provided and no Federal financial assistance will be permitted if an equivalent payment is made to the displaced person under the State law of eminent domain.

Subsection (c) requires the amendment of previously executed agreements, contracts, or grants with a State agency as necessary to include the cost to a State agency of providing payments and assistance under the bill (sections 206, 210, 215, and 305).

In addition, subsection (c) authorizes the Federal agency head to advance to the State agency the Federal share of the costs of such payments and assistance if necessary for the expeditious completion of the program or project. This is an important provision and, in at least some States, could make it possible for the State agency which may require enabling legislation in order to comply with this Act, to make relocation payments and provide assistance to displaced persons pending the enactment of such legislation. Otherwise, unless the State legislation can be made retroactive to the date of enactment of this bill, persons will continue to be displaced without the benefits provided by the bill, or else, progress on projects involving displacements may have to be deferred.

Since the costs of relocation payments and assistance are 100 percent Federally reimbursible, up to \$25,000 for a displaced person, the State agency might establish a trust fund, using an advance provided under the authority of this section by the Federal agency head administering Federal financial assistance for a program or project, upon which the State could issue vouchers. In this manner, any legal incapacities of such State agency with respect to the expending of State funds might be avoided until such period of full Federal funding has expired.

Section 212. Administration—Relocation assistance in programs receiving Federal financial assistance

This section provides that a State agency may contract with any individual, firm, association, or corporation for services in connection with the State agency's administration or relocation assistance functions, or may carry out its relocation functions through any Federal State governmental agency or instrumentality having an established

agency for conducting relocation assistance programs. State agencies carrying out housing assistance activities, as authorized for Federal programs by section 206, and made applicable to Federal financially assisted programs by section 211, are directed to utilize, whenever practicable, the services of State or local housing agencies or other agencies having experience in the administration or conduct of similar activities.

Section 213. Regulations and procedures

In order to promote uniform and effective administration of relocation assistance and land acquisition programs or projects conducted by Federal agencies or by State agencies with Federal financial assistance, subsection (a) requires the heads of Federal agencies to consult together on the establishment of regulations and procedures for implementing the bill.

Subsections (b) and (c) authorize the heads of Federal agencies to establish regulations and procedures for carrying out the purposes of the bill, including provisions to assure that—

(1) the payments and assistance authorized by the bill shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) a displaced person who makes proper application for a payment authorized for such person by title II shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) any person aggrieved by a determination as to eligibility for a payment authorized by the bill, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

The Committee believes that this section, together with sections 212, 214, and other provisions of the bill, offers a reasonable means for achieving the Congressional objective to provide a uniform policy that will assure fair and equitable treatment for displaced persons in all Federal and Federal financially assisted programs, without unnecessary interference with the jurisdiction and authority of any Federal agency over programs which it administers, or with present inter-governmental relationships.

The vesting of authority in the heads of each Federal agency provides flexibility for agencies to formulate procedures consistent with their respective programs. Uniformity can and should be accomplished by a coordinated effort among the various agencies.

The Committee anticipates that major program personnel, among others, in the Executive Office of the President will participate in discussions with the Federal agency heads, and that proposed regulations and procedures will be reviewed within that Office, or in cooperation with an advisory group of knowledgeable people representing a variety of interests, before permanent regulations and procedures are issued by the agencies. The Committee expects that interim instructions will, in any event, be issued promptly.

Section 214. Annual report

To enable the President and the Congress to consider and evaluate the effectiveness of the relocation assistance and real property acquisi-

tion policies established by the bill, and the adequacy of administrative mechanisms developed to implement them, this section provides for four annual reports to the President by the heads of Federal agencies, and for the submission of such report to the Congress by January 15 of each year, beginning January 15, 1972 and ending January 15, 1975, together with the President's comments and recommendations. These reports are to give special attention to—

(1) the effectiveness of the provisions of the bill assuring the availability of replacement housing;

(2) actions taken by the agency to achieve the Congressional objective of a uniform policy that will assure fair and equitable treatment of all persons displaced by, or having real property taken for, Federal or Federally assisted programs;

(3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies;

(4) any indicated effects of such programs and policies on the public; and

(5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

Section 215. Planning and other preliminary expenses for additional housing

This section provides seed money loans for planning and obtaining Federally insured mortgage financing to stimulate the construction or rehabilitation of sale and rental housing to meet the needs of families and individuals displaced by Federal and Federal financially assisted programs and projects. Loans may be made by the head of the Federal agency responsible for Federal programs or projects, or by the head of the State agency responsible for a Federal financially assisted program or project, upon approval by the Federal agency head concerned with such program or project. Any such loan by a State agency shall be included as a part of the cost of such program or project, and the State agency will be eligible for Federal financial assistance with respect to such payments and assistance in the same manner described in the analysis of section 211. Such loans may be made to nonprofit, limited-dividend, or cooperative organizations, and to public bodies, for not more than 80 percent of the reasonable expenses, prior to construction, for planning and obtaining Federally insured mortgage financing for such housing, including preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site title searches and appraisals, application and mortgage commitment fees and charges, legal fees, and construction loan fees and discounts. Any loan to an organization established for profit shall bear interest at a market rate established by the head of the Federal agency making the loan. All other loans shall be without interest. The head of the Federal agency may waive the repayment of all or any part of the loan, except a loan to an organization established for profit, if he finds the borrower cannot obtain as a part of the permanent financing for the rehabilitation or the construction of such housing an amount adequate for the repayment of such loan.

A similar provision in the Appalachian Regional Development Act has been very useful in stimulating development of Federally insured

sale and rental housing for low and moderate income families and individuals in the Appalachian Region. This section can be used very effectively by Federal and State agencies, at moderate cost, to give a significant assist to housing activities under section 206 or in the case of the State agency, section 211.

Upon repayment of any loan, the Federal share of the sum repaid shall be credited to the account from which the loan was made, unless the Secretary of the Treasury determines that the account is no longer in existence, in which case, such sum shall be returned to the Treasury and credited to miscellaneous receipts.

Section 216. Payments not to be considered as income

This section provides that no payment or assistance received under title II of the bill is to be considered as income for the purposes of the Internal Revenue Code of 1954, or for determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

The Committee notes with approval that legislation enacted in several States to implement the relocation assistance provisions of the Federal-aid Highway Act of 1968, have broadened the exclusion to cover State income tax and other State laws.

Section 217. Displacement by code enforcement, rehabilitation, and demolition programs receiving Federal financial assistance

This section provides that any person who moves as the result of a rehabilitation, demolition, or concentrated code enforcement program under title I of the Housing Act of 1949, or a comprehensive city demonstration project under title I of the Demonstration Cities and Metropolitan Development Act of 1966, shall be considered to be displaced as the result of the acquisition of real property for such a program or project. This makes such a person eligible for the full range of relocation benefits provided for displaced persons in title II of the bill.

Such persons are presently defined as displaced persons, and eligible for relocation payments and assistance, in programs of the Department of Housing and Urban Development. This section therefore merely continues established policy with respect to such persons.

Section 218. Transfers of surplus property

This section authorizes the Administrator of the General Services Administration to transfer surplus real property of the United States to a State agency for the purpose of providing replacement housing required by title II of the bill. Such transfer shall be subject to terms and conditions, consistent with the objectives of title II, which the Administrator determines necessary to protect the interests of the United States, and may be without monetary consideration, except that the State agency must pay to the United States all amounts which the State agency receives from the sale, lease, or other disposition of such property for such housing.

Sec. 219. Displacement by a specific program

This section provides that a person who moves or discontinues his business, moves personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as a result of contemplated demolition of structures

or the construction of improvements on any real property acquired, in whole or in part, by a Federal agency in New York City within the area bordered by Lexington and Third Avenues and 31st and 32d Streets and who has lived on or has conducted a business on such real property for at least one year before the date of enactment of this Act may be considered a displaced person for the purposes of sections 202(a), (b), 204, and 205 of this title, by the head of the agency acquiring the property if such agency head determines that the person has suffered undue hardship as a result of displacement and the United States has acquired and held the property at least five years before the date of enactment of this Act.

This section is to cover a specific situation resulting from the acquisition and long-term holding by the Federal Government of certain real property in the City of New York. It is not to be considered as a precedent of any nature.

Section 220. Repeals

This section repeals laws and parts of laws which are absorbed by, or are inconsistent with, the provisions of title II of the bill, and preserves any rights or liabilities existing under such prior acts or portions thereof.

Section 221. Effective date

Subsections (a) and (b) of this section make the bill fully effective effective on the date of enactment, except insofar as a State agency is unable to comply fully with all its provisions. The bill becomes fully effective in such a State as soon as it can comply with all provisions of the bill, and, in every case, after July 1, 1972.

Subsection (c) provides that the repeals by specified paragraphs of section 220(a) and by section 306, relating to present relocation assistance programs and certain real property acquisition practices and payments in Federal and Federal financially assisted programs, shall not apply to any State so long as the bill is not fully applicable in such State.

The Committee believes that there is no justification for any delay in the effective date of the bill except as required by State law. It is recognized that the necessary regulations cannot be issued upon enactment, and that initial payments may have to be temporarily delayed if the provisions are made effective as of the date of enactment. However, the inequities involved in denying relocation payments and assistance for displacements occurring during a period after the date of enactment, far outweigh the administrative burden. Eligibility for benefits rest upon enactment even though payments may be delayed pending implementing regulations. Also, as a Post Office Department official testified before the Committee, it would be difficult, as a practical matter, to commence new projects during any period between the date of enactment and the effective date of the Act when a delay would provide justifiable benefits to displaced persons.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

Section 301. Uniform policy on real property acquisition policy

This section establishes a uniform policy for the acquisition of real property in order to encourage and expedite acquisition by agreements with owners, to avoid litigation and relieve congestion

in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices. Nine policy provisions are established to guide Federal agencies, to the greatest extent practicable, in acquiring real property, as follows:

(1) The head of a Federal agency shall make every reasonable effort to acquire real property expeditiously by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt effort to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

Items (1), (2) and (3) seek to assure that government agencies will deal fairly with the owners of real property needed for Federal programs. Prior to 1960 the Corps of Engineers and a number of other agencies followed a "one price" policy. The Corps' stated policy was to obtain two appraisals for each property to be acquired and ordinarily to offer the property owner the higher of the two. This policy was reported to be rigid and inflexible. Offers were made on a "take it or leave it" basis and there were no serious efforts made to resolve reasonable differences of opinion concerning the value of property. The Corps of Engineers, the General Services Administration and a number of other agencies have followed a policy since 1960 of making an initial offer and often acquiring property at an amount below its approved appraisal of the property. The Corps justified this policy on the basis of its interpretation of the Land Acquisition Policy Act of 1960.

During hearings by this Committee last year members of the Committee made it abundantly clear that the Army interpretation of the Land Acquisition Policy Act of 1960 is not in agreement with that of the Committee that drafted the language and presented it to the Congress for enactment. On March 12, 1970, representatives of the Department of Justice testified before the Public Works Committee that the Department encourages the Federal agencies to make offers at the full amount of their approved appraisals. The Department of Justice further stated that a letter had been written specifically advising the Army that the Department did not believe that the Act of 1960 confined the Army to the policy it was following. On March 18th a representative of the then Bureau of the Budget testified before

the Committee and took exception to such policy of negotiating for the purchase of real property at prices below the Government's approved appraisals. The Army has recently partially changed its policy, but not to the complete satisfaction of the Committee. The General Services Administration has not.

The General Services Administration, in testimony before the Public Works Committee on March 17, 1970 suggested that another reason for objecting to the item (3) policy is that "it would establish the appraised fair market value of the property as an infallible figure whereas it is common knowledge that an appraisal is an educated estimated value at most." On the contrary, the proposed policy recognizes that individual appraisers and appraisals are not infallible, and for that reason places the responsibility on the acquiring agency to determine, in advance of negotiations, an amount which it regards as the fair market value of such property, and to make an offer to the property owner for the full amount so determined. If the amount of just compensation as determined by the head of the Federal agency is less than the agencies approved appraisal, it would appear that an indepth review of the methods employed in determining the amount of just compensation or in making the appraisal is called for.

Among the Federally assisted programs, the Federal Highway Administration's procedures have for some years required the State highway departments to offer property owners the full amounts of their approved value estimates, and this principle was approved by the Congress in section 141 of the Federal Aid Highway Act of 1968 (23 U.S.C. 141(3)). The Department of Housing and Urban Development apparently has a similar requirement in the urban renewal program, but there are indications that the full fair offering price policy may have been equated with the inflexible "one price" policy. The Committee emphasizes that this clearly is not the intent of item (3).

Any policy which does not entitle the property owner to an offer of the full amount of the agency's approved value estimate, where the owner must sell, is unfair. It is fundamental that all citizens should be dealt with fairly by their government.

The date of valuation referred to in item (3) ordinarily will be the date of the appraisal. In arriving at his value as of such date the appraiser must disregard changes in value which have occurred because of the program or project for which the real property is being acquired. If there should be a significant delay between the date of valuation and the date of acquisition of the property, the appraisal will be updated or a new appraisal will be obtained to reflect the value as of such later date.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a

dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of the property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

The assemblage of remnants can provide important opportunities for the development of replacement housing sites, recreation and other open space facilities, etc. No property owner should be forced into the position of retaining an uneconomic remnant in any case. Moreover, when this does occur, the acquiring agency frequently pays most if not all of the value of such remnant as severance damages, but the public does not get the benefit of the property.

Nothing in this section is intended to affect existing law relating to exchange of Federally owned land.

Section 302. Buildings, structures, and improvements

Subsection (a) of this section states that if the head of a Federal agency acquires any interest in real property in any State he shall acquire at least a like interest in all buildings, structures, or other improvements located upon the real property so acquired, and which he requires to be removed from the real property or which he determines will be adversely affected by the use to which such real property will be put.

However, there are situations where the buildings, structures, and improvements do not belong to the owner of the land, but are the property of a tenant or other person holding legal possession.

Subsection (b) provides in such instances, that for the purpose of determining the extent of the acquisition of real property and the valuation thereof, no building, structure, or other improvement shall be deemed to be other than a part of the real property solely because of the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the head of the Federal agency shall pay to the tenant the fair value of the building, structure, or improvement, which shall be determined as the greater of (1) the contributive fair market value of the improvement to the fair market

value of the real property to be acquired; or (2) the fair market value of the improvement for removal from the property. It also provides (1) that such payment will not result in duplication of any payments otherwise authorized by law, (2) that the owner of the land involved shall disclaim any interest in the improvements of the lessee, and (3) the lessee in consideration for such payment shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. It is also provided that no provision of this section shall be construed to deprive the lessee of his right to reject such payments and to obtain payment of just compensation for his property interests as otherwise defined by law.

Section 303. Expenses incidental to transfer of title to United States

Section 303 provides for reimbursement of the owner as soon as possible after the real property has been purchased or compensation awarded under condemnation with respect to the following expenses:

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

Section 304. Litigation expenses

Section 304 would authorize the reimbursement of owner of any right, or title to, or interest in real property for reasonable expenses of litigation, including legal, appraisal and engineering fees, actually incurred because of the taking of real property by Federal agencies, where (1) the court determines that a condemnation was unauthorized, (2) the Government abandons a condemnation, or (3) a property owner brings an action in the nature of inverse condemnation and obtains an award of compensation. (Tucker Act)

Ordinarily the Government should not be required to pay expenses incurred by property owners in connection with condemnation proceedings. The invitation to increased litigation is evident.

Section 305. Requirements for Uniform Land Acquisition Policies; Payments of Expenses Incidental to Transfer of Real Property to State; Payment of Litigation Expenses in Certain Cases.

Section 305 provides that State agencies administering programs receiving Federal financial assistance must make the payments described in sections 303 and 304 and be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, as a condition of such Federal assistance.

The uniform policy on real property acquisition practices set out in section 301 is intended to guide Federal agencies, to the greatest extent practicable, in acquiring real property. Section 305(1) makes the policy applicable in the same manner to State agencies.

The States also will be guided by it to the greatest extent practicable under State law by the provisions of section 302.

Section 306. Repeals

Section 306 repeals all laws and parts of laws which are absorbed in, or are inconsistent with, the provisions of Title III, and preserves any rights or liabilities existing under such prior acts or portions thereof.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, existing law in which no change is proposed is shown in roman):

ACT OF MAY 29, 1958

[AN ACT

[To authorize the Secretary of the Interior to reimburse owners of lands acquired for developments under his jurisdiction for their moving expenses, and for other purposes.

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, to the extent administratively determined by him to be fair and reasonable, to reimburse the owners and tenants of lands acquired for the construction, operation, or maintenance of developments under his jurisdiction for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition, which reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law: Provided, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Secretary. No payment under this Act shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Secretary within one year from the date upon which the premises involved are vacated or, in the case of lands acquired and vacated prior to the date of this Act but after July 14, 1952, within one year from the date of this Act.

[SEC. 2. The Secretary may perform any and all acts and make such rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of this Act. All functions performed under this Act shall be exempt from the operation of the Act of June 11, 1946 (60 Stat. 237), as amended (5 U. S. C., secs. 1001-1011), except as to the requirements of section 3 of said Act.

[SEC. 3. As used in this Act, the term "lands" shall include interests in land; the term "acquisition" and its cognates shall include the exercise of a right-of-way upon lands subject thereto under the Act of August 30, 1890 (26 Stat. 371, 391, 43 U. S. C., sec. 945); and the term "fair value" shall, in the case of interests in land and of rights-of-way under the Act of August 30, 1890, mean a fair value of the interest acquired or of the right-of-way occupied.

[SEC. 4. Funds appropriated for the construction, operation, or maintenance of developments under the jurisdiction of the Secretary shall also be available for carrying out the provisions of this Act.]

SECTION 203(b)(14) OF THE NATIONAL AERONAUTICS AND
SPACE ACT OF 1958

(b) In the performance of its functions the Administration is authorized—

* * * * *

[(14) to reimburse, to the extent determined by the Administrator or his designee to be fair and reasonable, the owners and tenants of land and interests in land acquired on or after November 1, 1961, by the United States for use by the Administration by purchase, condemnation, or otherwise for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of said acquisition. Such reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law to be made to such owners and tenants. The total of any such reimbursement to any owner or tenant shall in no event exceed 25 per centum of the fair value, as determined by the Administrator, of the parcel of land or interest in land to which the reimbursement is related. No payment under this paragraph shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Administrator within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to, an order of a court, or (b) the date upon which the parcel of land or interest in the land involved is vacated, whichever first occurs. The Administrator may perform any and all acts and make such rules and regulations as he deems necessary and proper for the purpose of carrying out this paragraph. All functions performed under this paragraph shall be exempt from the operation of the Act of June 11, 1946, as amended (5 U.S.C. 1001-1011), except as to the requirements of section 3 of said Act. Funds available to the Administration for the acquisition of real property or interests therein shall also be available for carrying out this paragraph.]

SECTION 2680 OF TITLE 10, UNITED STATES CODE

[§ 2680. Reimbursement of owners of property acquired for public works projects for moving expenses.]

[(a) Under regulations approved by the Secretary of Defense and without regard to sections 551-559 and 701-706 of title 5, the Secretary of a military department, or his designee, may, upon application by the owners and the tenants of land to be acquired for a public works project of his department, reimburse those owners and tenants for those expenses, losses, or damages that he determines to be fair and reasonable and that are incurred by them as a direct result of moving themselves and their families and possessions because of that acquisition. However, application for reimbursement must be made within one year after that acquisition or within one year after the property is

vacated, whichever date is later, and be accompanied by an itemized statement of the expenses, losses, and damages incurred.

[(b) The total payments under this section with respect to a parcel of land may not be more than 25 percent of the fair value of that land, as determined by the Secretary of the military department concerned. They are in addition to, but may not duplicate, any other payments that may be made under law as a result of acquisition of that land.

[(c) Any funds appropriated for civil or military public works may be used to make payments under this section.]

SECTION 7(b) OF THE URBAN MASS TRANSPORTATION ACT OF 1964

[(b) Notwithstanding any other provision of this Act, financial assistance extended to any project under section 3 may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project under section 3, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property, except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Secretary, and shall not exceed \$200 in the case of an individual or family, or \$3,000 (or if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.]

SECTION 114 OF THE HOUSING ACT OF 1949

[RELOCATION

[SEC. 114. (a) Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, "displaced" refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

[(b) A local public agency may pay to any displaced business concern or nonprofit organization—

[(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$3,000 (or, if greater, the total certified actual moving expenses); and

[(2) an additional \$2,500 in the case of a private business concern with average annual net earnings of less than \$10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of real property under the third sentence of section 102(a)); (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

Notwithstanding the provisions of clause (1) of the preceding sentence, a business concern which is not being displaced from an urban renewal area shall be eligible for payments under such clause (1) of its certified actual moving expenses with respect to its outdoor advertising displays being removed from the urban renewal area in the same manner as though such business concern were being displaced.

[(c)(1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$200: *And provided further*, That the Secretary may authorize payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

[(2) In addition to any amount under paragraph (1), a local public agency may pay to or on behalf of any displaced family, displaced individual sixty-two years of age or over, or displaced handicapped individual, monthly payments over a period not to exceed twenty-four months in an amount not to exceed \$500 in the first twelve months and \$500 in the second twelve months to assist such displaced family or individual to secure a decent, safe, and sanitary dwelling. The additional payment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average rental required, for a 12-month period, for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family (in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public commercial facilities): *Provided*, That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Secretary to have the same general purposes as the Federal program under such Act, or a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965: *Provided further*, That additional payments under this paragraph may be paid on a lump sum or other

than monthly basis in cases in which the small size of the payments that would otherwise be required do not warrant a number of separate payments or in other cases in which other than monthly payments are determined warranted by the Secretary: *And provided further*, That no payment received under this paragraph shall be considered as income for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal Act.

[(3) In addition to any amount under paragraph (1), a local public agency may make a payment to a displaced family or individual, who does not receive the additional payment authorized under paragraph (2) and who is the owner of real property which is acquired for a project assisted under this title and which is improved by a single- or two-family dwelling occupied by the owner for a period of not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be an amount which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market: *Provided*, That such payment may be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project: *Provided further*, That no such payment may be made if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this paragraph and to be part of the cost of the project for which Federal financial assistance is available.

[(d) In addition to payments authorized to be made under subsections (b) and (c), a local public agency may pay to any displaced individual, family, business concern, or nonprofit organization reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying real property to a project assisted under this title, (2) penalty costs for prepayment of any mortgage encumbering such real property, and (3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting of title or the effective date of the acquisition of such real property by such agency, whichever is earlier.

[(e) The Secretary is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section and may provide in any contract with a local public agency, or in regulations promulgated by the Secretary, that determinations of any duly designated officer or agency as to eligibility for and the amount of relocation assistance authorized by this section shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred.]

SECTION 15 OF THE UNITED STATES HOUSING ACT OF 1937

SEC. 15. * * *

* * * * *

(7) * * *

(b) the Authority shall not make any contract for loans (other than preliminary loans) or for annual contributions pursuant to this Act with respect to any low-rent housing project initiated after March 1, 1949, (i) unless the governing body of the locality involved has entered into an agreement with the public housing agency providing for the local cooperation required by the Authority pursuant to this Act, (ii) unless the public housing agency has demonstrated to the satisfaction of the Authority that a gap of at least 20 per centum (except in the case of a displaced family or an elderly family) has been left between the upper rental limits for admission to the proposed low-rent housing and the lowest rents at which private enterprise unaided by public subsidy is providing (through new construction and available existing structures) a substantial supply of decent, safe, and sanitary housing toward meeting the need of an adequate volume thereof; and (iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the individuals and families displaced from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of such individuals and families, decent, safe, and sanitary dwellings equal in number to the number of and available to such individuals and families and reasonably accessible to their places of employment].

(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs. [For purposes of this paragraph, a "relocation payment" is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b), (c), and (d) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be.]

* * * * *

SECTION 2 OF THE ACT OF OCTOBER 6, 1964

[SEC. 2. The Commissioners are hereby authorized to make relocation payments to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and

any actual direct losses of property except goodwill or profit caused by their displacement from real property acquired by the Commissioners after the effective date of this Act for public works projects of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency. No such payment shall be made in any case where a payment for a similar purpose is authorized by any other Act. Such relocation payments shall be made in accordance with regulations prescribed by the Commissioners and shall not for any one relocation exceed \$200 in the case of an individual or family or \$3,000 (or, if greater, the total certified actual moving expense not to exceed \$25,000) in the case of a business concern or nonprofit organization.】

SECTIONS 107(b) AND (c) OF THE DEMONSTRATION CITIES AND
METROPOLITAN DEVELOPMENT ACT OF 1966

RELOCATION REQUIREMENTS AND PAYMENTS

SEC. 107. (a) * * *

【(b)(1) To the extent not otherwise authorized under any Federal law, financial assistance extended to a city demonstration agency under section 105 shall include grants to cover the full cost of relocation payments, as herein defined. Such grants shall be in addition to other financial assistance extended to such agency under section 105.

【(2) The term "relocation payments" means payments by a city demonstration agency to a displaced individual, family, business concern, or nonprofit organization which are made on such terms and conditions and subject to such limitations (to the extent applicable, but not including the date of displacement) as are provided for relocation payments, at the time such payments are approved, by sections 114(b), (c), (d), and (e) of the Housing Act of 1949 with respect to projects assisted under title I thereof.

【(c) Subsection (b) shall not be applicable with respect to any displacement occurring prior to the date of the enactment of this Act.】

Chapter 5 of Title 23, United States Code

【Chapter 5.—HIGHWAY RELOCATION ASSISTANCE

【Sec.

【501. Declaration of policy.

【502. Assurances of adequate relocation assistance program.

【503. Administration of relocation assistance program.

【504. Federal reimbursement.

【505. Relocation payments.

【506. Replacement housing.

【507. Expenses incidental to transfer of property.

【508. Relocation services.

【509. Relocation assistance programs on Federal highway projects.

【510. Authority of Secretary.

【511. Definitions.

【§ 501. Declaration of policy.

【Congress hereby declares that the prompt and equitable relocation and reestablishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of the Federal highway programs and the construction of Federal-aid highways is necessary

to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Therefore, Congress determines that relocation payments and advisory assistance should be provided to all persons so displaced in accordance with the provisions of this title.

[§ 502. Assurances of adequate relocation assistance program.

[The Secretary shall not approve any project under section 106 or section 117 of this title which will cause the displacement of any person, business, or farm operation unless he receives satisfactory assurances from the State Highway department that—

[(1) fair and reasonable relocation and other payments shall be afforded to displaced persons in accordance with sections 505, 506, and 507 of this title;

[(2) relocation assistance programs offering the services described in section 508 of this title shall be afforded to displaced persons; and

[(3) within a reasonable period of time prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by the Secretary, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment.

[§ 503. Administration of relocation assistance program.

[In order to prevent unnecessary expenses and duplication of functions, a State highway department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this chapter by utilizing the facilities, personnel, and services of any other Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

[§ 504. Federal reimbursement.

[(a) The Secretary shall approve, as a part of the cost of construction of a project under any Federal-aid highway program which he administers, the cost of providing the payments and services described in section 502, except that notwithstanding any other law, the Federal share of the first \$25,000 of such payments to any person, on account of any real property acquisition or displacement occurring prior to July 1, 1970, shall be increased to 100 per centum of such cost.

[(b) Any project agreement with a State highway department executed before the date of enactment of this chapter with respect to property which has not been acquired as of the date of enactment of this chapter under any such program shall be amended to include the cost of providing the payments and services described in section 502 with respect to such property.

[§ 505. Relocation payments.

[(a) Payments for actual expenses.

[Upon application approved by the State agency, a person displaced by any highway project approved under section 106 or section 117 of this title may elect to receive actual reasonable expenses

in moving himself, his family, his business, or his farm operation, including personal property.

[(b) Optional payments—Dwellings.

[Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

[(1) a moving expense allowance, determined according to a schedule established by the Secretary, not to exceed \$200; and

[(2) a dislocation allowance of \$100.

[(c) Optional payments—Business and farm operations.

[Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in lieu of the payment authorized by subsection (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the State agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period.

[§ 506. Replacement housing.

[(a) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the Secretary, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project. No such payment shall be required or included as a project cost under section 504 of this title if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this section and to be part of the cost of the project for which Federal financial assistance is available.

[(b) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed \$1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

[§ 507. Expenses incidental to transfer of property.]

[(a) In addition to amounts otherwise authorized by this title, the State shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date of final approval by the State of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State, or the effective date of the possession of such real property by the State, whichever is earlier.

[(b) No payment received under this chapter shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

[§ 508. Relocation services.]

[(a) Each State shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

[(1) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

[(2) to assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Secretary for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment;

[(3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations; and

[(4) to supply information concerning the Federal Housing Administration home acquisition program under section 221(d)(2) of the National Housing Act, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons.

[(b) Nothing in this chapter shall be construed to prohibit any person from exercising any right or remedy available to him under State law with respect to any action of a State agency in carrying out this chapter.

[§ 509. Relocation assistance programs on Federal highway projects.

[(Notwithstanding any other provision of law, on and after the effective date of this title any Federal agency which acquires real property for use in connection with a highway project authorized by section 107 and chapter 2 of this title or any other Federal law shall, in accordance with regulations issued by the Secretary, provide the payments and services described in sections 502, 505, 506, 507, and 508, of this title. When real property is acquired by a State or local governmental agency for such a Federal project for purposes of this chapter, the acquisition shall be deemed an acquisition by the Federal agency having authority over such project.)

[§ 510. Authority of Secretary.

[(a) To carry into effect the provisions of this chapter, the Secretary is authorized to make such rules and regulations as he may determine to be necessary to assure—

[(1) that the payments authorized by this chapter shall be fair and reasonable and as uniform as practicable;

[(2) that a displaced person who makes proper application for a payment authorized for such person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

[(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the head of the State agency making such determination.

[(b) The Secretary may make such other rules and regulations consistent with the provisions of this chapter as he deems necessary or appropriate to carry out this chapter.)

[§ 511. Definitions.

[(As used in this chapter—

[(1) The term “person” means—

[(A) any individual, partnership, corporation, or association which is the owner of a business;

[(B) any owner, part owner, tenant, or sharecropper who operates a farm;

[(C) an individual who is the head of a family; or

[(D) an individual not a member of a family.

[(2) The term “family” means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

[(3) The term “displaced person” means any person who moves from real property on or after the effective date of this chapter as a result of the acquisition or reasonable expectation

of acquisition of such real property, which is subsequently acquired, in whole or in part, for a Federal-aid highway, or as the result of the acquisition for a Federal-aid highway of other real property on which such person conducts a business or farm operation.

[(4) The term "business" means any lawful activity conducted primarily—

[(A) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

[(B) for the sale of services to the public; or

[(C) by a nonprofit organization.

[(5) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

[(6) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any corporation wholly owned by the Government.

[(7) The term "State agency" means a State highway department or any agency designated by a State highway department to administer the relocation assistance program authorized by this chapter.]

SECTIONS 32, 33, AND 35(a) OF THE FEDERAL-AID HIGHWAY ACT OF 1968

【EMINENT DOMAIN

【SEC. 32. Nothing contained in chapter 5 of title 23, United States Code, shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of such chapter 5.

【ANNUAL REPORT

【SEC. 33. The Secretary of Transportation shall report annually to Congress, but no later than January 15 of each year, concerning his administration of chapter 5 of title 23, United States Code, together with his recommendations, including any necessary legislation with respect to such chapter.】

* * * * *

SEC. 35. [(a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

【"§ 141. Real property acquisition policies.

【"Before approving projects under this chapter, the Secretary shall obtain from the State highway department the following assurances:

【"(1) that every reasonable effort shall be made to acquire the real property by negotiation;

["(2) that the construction of projects shall be so scheduled that to the greatest extent practicable no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least 90 days' written notice from the State or political subdivision having responsibility for such acquisition; and

["(3) that it will be the policy of the State, before initiating negotiations for real property, to establish an amount which is believed to be just compensation, under the law of the State, and to make a prompt offer to acquire the property for the full amount so established."]

SECTIONS 401, 402, AND 403 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1965

[DEFINITIONS

[SEC. 401. For the purposes of this title—

["(1) the term "development program" means any program established by or conducted under any of the following provisions of law:

["(A) the United States Housing Act of 1937;

["(B) title I of the Housing Act of 1949;

["(C) the Urban Mass Transportation Act of 1964;

["(D) title II of the Housing Amendments of 1955;

["(E) title VII of the Housing Act of 1961; and

["(F) title VII of the Housing and Urban Development Act of 1965:

["(2) the term "Federal assistance" means a grant, loan, contract of guaranty, annual contribution, or other assistance provided by the United States;

["(3) the term "applicant" means any public body or other agency authorized to receive Federal assistance under a development program;

["(4) the term "real property" means any land, or any interest in land, and (A) any building, structure, or other improvements embedded in or affixed to land, and any article so affixed or attached to such building, structure, or improvement as to be an essential or integral part thereof; (B) any article affixed or attached to such real property in such manner that it cannot be removed without material injury to itself or the real property; and (C) any article so designed, constructed, or specially adapted to the purpose for which such real property is used that (i) it is an essential accessory or part of such real property, (ii) it is not capable of use elsewhere, and (iii) it would lose substantially all its value if removed from the real property; and

["(5) the term "Secretary" means the Secretary of Housing and Urban Development.

[LAND ACQUISITION POLICY

[SEC. 402. As a condition of eligibility for Federal assistance pursuant to a development program, each applicant for such assistance shall satisfy the Secretary that the following policies will be followed

in connection with the acquisition of real property by eminent domain in the course of such program—

[(1) the applicant shall make every reasonable effort to acquire the real property by negotiated purchase;

[(2) no owner shall be required to surrender possession of real property before the applicant pays to the owner (A) the agreed purchase price arrived at by negotiation, or (B) in any case where only the amount of the payment to the owner is in dispute, not less than 75 per centum of the appraised fair value of such property as approved by the applicant; and

[(3) the construction or development of any public improvements shall be so scheduled that no person lawfully occupying the real property shall be required to surrender possession on account of such construction or development without at least 90 days' written notice from the applicant of the date on which such construction or development is scheduled to begin.

[FUNDS FOR CERTAIN PAYMENTS IN EMINENT DOMAIN

[SEC. 403. Notwithstanding any other provision of law, financial assistance under any federally assisted development program may include amounts necessary for financing, in the same manner that other costs of a project assisted under such program are financed, the payments described in paragraph (2)(B) of section 402 of this Act.

[RELOCATION PAYMENTS UNDER FEDERALLY ASSISTED DEVELOPMENT PROGRAMS

[SEC. 404. (a) To the extent not otherwise authorized under any Federal law, financial assistance extended to an applicant under any federally assisted development program may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance under such federally assisted development programs, and may cover the full amount of such relocation payments. Any funds available for any such program may be used for such grants. The term "relocation payments" means payments by the applicant, to a displaced individual, family, business concern, or non-profit organization, which are made on such terms and conditions and subject to such limitations (to the extent applicable, but not including the date of displacement) as are provided for relocation payments, at the time such payments are approved, by sections 114(b), (c), and (d) of the Housing Act of 1949 with respect to projects assisted under title I thereof. Relocation payments authorized by this subsection shall be made subject to such rules and regulations as may be prescribed by the Secretary.]

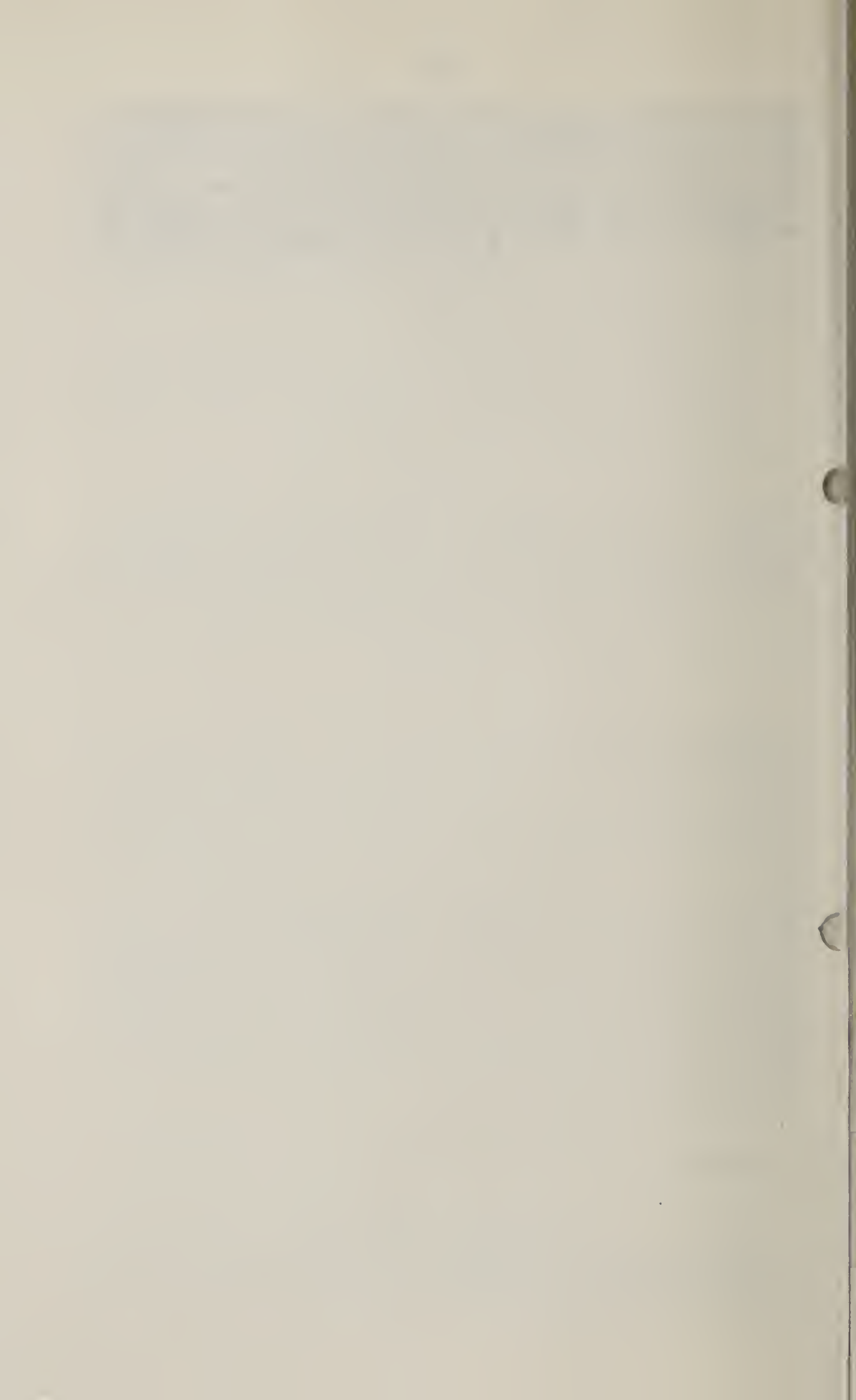
SECTION 301 OF THE LAND ACQUISITION POLICY ACT OF 1960

[DECLARATION OF POLICY

[SEC. 301. It is hereby declared to be the policy of Congress that owners and tenants whose property is acquired for public works projects of the United States of America shall be paid a just and reasonable

consideration therefor. In order to facilitate the acquisition of land and interests therein by negotiation with property owners, to avoid litigation and to relieve congestion in the courts, the Secretary of the Army (or such other officers of the Department of the Army as he may designate) is authorized in any negotiation for the purchase of such property to pay a purchase price which will take into consideration the policy set forth in this section.】





Union Calendar No. 794

91ST CONGRESS
2D SESSION

S. 1

[Report No. 91-1656]

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1969

Referred to the Committee on Public Works

DECEMBER 2, 1970

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Uniform Relocation As-
4 sistance and Land Acquisition Policies Act of 1969”.

1 ~~TITLE I—DEFINITIONS~~

2 ~~As used in this Act—~~

3 ~~FEDERAL AGENCY~~

4 ~~SEC. 101. The term “Federal agency” means any de-~~
5 ~~partment, agency, or instrumentality in the executive branch~~
6 ~~of the Government (except the National Capital Housing~~
7 ~~Authority), any wholly owned Government corporation~~
8 ~~(except the District of Columbia Redevelopment Land~~
9 ~~Agency), and the Architect of the Capitol.~~

10 ~~STATE~~

11 ~~SEC. 102. The term “State” means any of the several~~
12 ~~States of the United States, the District of Columbia, the~~
13 ~~Commonwealth of Puerto Rico, any territory or possession~~
14 ~~of the United States, the Trust Territories of the Pacific~~
15 ~~Islands, and any political subdivision thereof.~~

16 ~~STATE AGENCY~~

17 ~~SEC. 103. The term “State agency” means the National~~
18 ~~Capital Housing Authority, the District of Columbia Re-~~
19 ~~development Land Agency and any State, any public body,~~
20 ~~agency, or instrumentality of a State or of a political sub-~~
21 ~~division of a State, or any public agency or instrumentality~~
22 ~~of two or more States or of two or more political subdi-~~
23 ~~visions of a State or States.~~

~~HEAD OF AGENCY~~

~~SEC. 104. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.~~

~~DISPLACED PERSON~~

~~SEC. 105. The term "displaced person" means—~~

~~(1) any person who is the owner of a business, as defined by section 106 of this Act, and who, on or after the effective date prescribed in section 253 (a), (A) moves or discontinues such business or an establishment of such business or (B) moves any outdoor advertising display, as a result of the acquisition or reasonable expectation of acquisition of real property, in whole or in part, by a Federal or State agency;~~

~~(2) any person who is the operator of a farm operation which moves from real property or is discontinued on or after the effective date prescribed in section 253 (a) as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, by a Federal or State agency;~~

~~(3) any individual who is the head of a family which moves from real property occupied as a dwelling on or after the effective date prescribed in section 253~~

1 ~~(a), as a result of the acquisition or reasonable expecta-~~
2 ~~tion of acquisition of such real property, in whole or~~
3 ~~in part, by a Federal or State agency;~~

4 ~~(4) any individual, not a member of a family, who~~
5 ~~moves from real property occupied as a dwelling on or~~
6 ~~after the effective date prescribed in section 253 (a),~~
7 ~~as a result of the acquisition or reasonable expectation~~
8 ~~of acquisition of such real property, in whole or in part,~~
9 ~~by a Federal or State agency; or~~

10 ~~(5) a nonprofit organization which moves from~~
11 ~~real property on or after the effective date prescribed in~~
12 ~~section 253 (a) as a result of the acquisition or reason-~~
13 ~~able expectation of acquisition of such real property, in~~
14 ~~whole or in part by a Federal or State agency, or, any~~
15 ~~person, not described in paragraph (1), (2), (3), or~~
16 ~~(4) of this section, who moves his personal property~~
17 ~~from real property on or after the effective date pre-~~
18 ~~scribed in section 253 (a) as a result of the acqui-~~
19 ~~sition or reasonable expectation of acquisition of~~
20 ~~such real property, in whole or in part, by a Federal or~~
21 ~~State agency. Under this paragraph, the term "displaced~~
22 ~~person" shall not include the owner of personal prop-~~
23 ~~erty on the premises of another under a lease or licensing~~
24 ~~arrangement where such owner is required pursuant to~~

1 ~~such lease or license to move such property at his own~~
2 ~~expense.~~

3 ~~BUSINESS~~

4 ~~SEC. 106. The term "business" means any lawful entity~~
5 ~~conducted primarily (1) for the purchase and resale of prod-~~
6 ~~ucts, commodities, or any other personal property; (2) for~~
7 ~~the manufacture, processing, or marketing of any such prop-~~
8 ~~erty; (3) for the cultivation, processing, and marketing of~~
9 ~~timber; (4) for the sale of services; or (5) for assisting in~~
10 ~~the sale, resale, or marketing of products, commodities, per-~~
11 ~~sonal property, or services by the erection and maintenance~~
12 ~~of outdoor advertising displays. Such term does not include~~
13 ~~a farm operation or the business of an investor in acquiring~~
14 ~~or holding real property for resale for gain.~~

15 ~~FARM OPERATION~~

16 ~~SEC. 107. The term "farm operation" means any ac-~~
17 ~~tivity conducted solely or primarily for the production for~~
18 ~~sale or for home use, of one or more agricultural products~~
19 ~~or commodities other than timber, and customarily produc-~~
20 ~~ing such products or commodities in sufficient quantity to~~
21 ~~be capable of contributing materially to the operator's~~
22 ~~support.~~

23 ~~FARM OPERATOR~~

24 ~~SEC. 108. The term "farm operator" means any owner,~~
25 ~~part owner, tenant, or sharecropper who operates a farm.~~

1 ~~FAMILY~~

2 ~~SEC. 109. The term "family" means two or more~~
3 ~~individuals living together in the same dwelling unit who~~
4 ~~are related to each other by blood, marriage, adoption, or~~
5 ~~guardianship.~~

6 ~~DISPLACED~~

7 ~~SEC. 110. The term "displaced", when used in relation~~
8 ~~to any person, means any person moved or to be moved from~~
9 ~~real property on or after the effective date prescribed in sec-~~
10 ~~tion 253 (a) as a result of the acquisition or reasonable expec-~~
11 ~~tation of acquisition of such property for a public improve-~~
12 ~~ment constructed or developed by or with funds provided in~~
13 ~~whole or in part by the Federal Government.~~

14 ~~OWNER AND PERSON~~

15 ~~SEC. 111. The terms "owner" and "person" include any~~
16 ~~individual, or any partnership, corporation, or association,~~
17 ~~whether organized for profit or not for profit or any Indian~~
18 ~~tribe, band, or group.~~

19 ~~REAL PROPERTY~~

20 ~~SEC. 112. The term "real property" as used in this Act~~
21 ~~shall include land, and any interest in land, including but not~~
22 ~~limited to, easements, rights-of-way, water rights, and mineral~~
23 ~~interests.~~

~~TITLE II—UNIFORM RELOCATION ASSISTANCE~~

~~DECLARATION OF POLICY~~

~~SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of owners, tenants, and other persons displaced by the acquisition of real property in Federal and federally assisted programs to the end that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Such a policy shall be as uniform as practicable as to (1) relocation payments, (2) advisory assistance, (3) assurance of availability of standard housing, and (4) Federal reimbursement for relocation payments under federally assisted programs.~~

~~PART A—FEDERAL PROGRAMS~~

~~RELOCATION PAYMENTS~~

~~SEC. 211. (a) If the head of any Federal agency acquires real property for public use in a State, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 241 of this Act. Notwithstanding any other provision of this Act, any business, as defined by section 106 of this Act, which is not being displaced shall be eligible for actual moving expenses with respect to its outdoor~~

1 advertising displays being moved as a result of the acquisition
2 or reasonable expectation of acquisition of real property, in
3 whole or in part, by a Federal or State agency. No other pay-
4 ment therefor shall be made under subsections (b) - (f) of this
5 section.

6 ~~(b) Any displaced person who moves from a dwelling~~
7 ~~who elects to accept the payments authorized by this sub-~~
8 ~~section in lieu of the payments authorized by subsection (a)~~
9 ~~of this section may receive—~~

10 ~~(1) a moving expense allowance, determined ac-~~
11 ~~cording to a schedule established in accordance with the~~
12 ~~President's regulations issued under section 241 of this~~
13 ~~Act, not to exceed \$200; and~~

14 ~~(2) a dislocation allowance of \$100.~~

15 ~~(c) (1) In addition to amounts otherwise authorized by~~
16 ~~this section, the head of the Federal agency shall make a~~
17 ~~payment to any displaced person who moves or discontinues~~
18 ~~his business provided the average annual net earnings of the~~
19 ~~business are less than \$10,000 per year. This payment shall~~
20 ~~be in an amount equal to the average annual net earnings of~~
21 ~~the business, except that such payment shall not be less than~~
22 ~~\$2,500 nor more than \$5,000. Notwithstanding the preceding~~
23 ~~sentence, in the case of a displaced person who is sixty years~~
24 ~~of age or over, this payment shall be in an amount equal to~~
25 ~~three times the average annual net earnings of the business~~
26 ~~or \$6,000, whichever is less.~~

1 ~~(2) No payment shall be made under this subsection~~
 2 ~~unless the head of the Federal agency is satisfied that the~~
 3 ~~business—~~

4 ~~(A) cannot be relocated without a substantial loss~~
 5 ~~of its existing patronage; and~~

6 ~~(B) is not part of a commercial enterprise having~~
 7 ~~at least one other establishment, not being acquired,~~
 8 ~~which is engaged in the same or similar business,~~

9 ~~(3) For purposes of this subsection, the term “average~~
 10 ~~annual net earnings” means one half of any net earnings of~~
 11 ~~the business, before Federal, State, and local income taxes,~~
 12 ~~during the two taxable years immediately preceding the tax-~~
 13 ~~able year in which such business moves from the real prop-~~
 14 ~~erty acquired, and includes any compensation paid by the~~
 15 ~~business to the owner, his spouse, or his dependents during~~
 16 ~~such two-year period.~~

17 ~~(d) (1) In addition to amounts otherwise authorized~~
 18 ~~by this section, the head of the Federal agency shall make~~
 19 ~~a payment to any displaced person who moves or discon-~~
 20 ~~tinues a farm operation, provided the average annual net~~
 21 ~~earnings of the farm operation are less than \$10,000 per~~
 22 ~~year. This payment shall be in an amount equal to the aver-~~
 23 ~~age annual net earnings of the farm operation, except that~~
 24 ~~such payment shall not be less than \$2,500 nor more than~~
 25 ~~\$5,000. Notwithstanding the preceding sentence, in the case~~

1 ~~of a displaced person who is sixty years of age or over, this~~
2 ~~payment shall be in an amount equal to three times the~~
3 ~~average annual net earnings of the business or \$6,000, which~~
4 ~~ever is less.~~

5 ~~(2) In the case where the entire farm operation is not~~
6 ~~acquired by such Federal agency, the payment author-~~
7 ~~ized by this subsection shall be made only if the head of~~
8 ~~such agency determines that the property not acquired is no~~
9 ~~longer an economic unit.~~

10 ~~(3) For purposes of this subsection, the term "average~~
11 ~~annual net earnings" means one half of any net earnings~~
12 ~~of the farm operation, before Federal, State, and local in-~~
13 ~~come taxes, during the two taxable years immediately pre-~~
14 ~~ceding the taxable year in which such farm operation moves~~
15 ~~from the real property acquired, and includes any com-~~
16 ~~pensation paid by the farm operation to the owner, his~~
17 ~~spouse, or his dependents during such two-year period.~~

18 ~~(c) (1) In addition to amounts otherwise authorized by~~
19 ~~this section, the head of the Federal agency shall make a~~
20 ~~payment to a displaced person who is the owner of real prop-~~
21 ~~erty which is improved by a single, two, or three-family~~
22 ~~dwelling actually owned and occupied by the owner for not~~
23 ~~less than one year prior to the initiation of negotiations for~~
24 ~~the acquisition of such property. Such payment, not to exceed~~
25 ~~\$5,000, shall be the amount, if any, which, when added to~~

~~1 the acquisition payment, equals the average price required
2 for a decent, safe, and sanitary dwelling of modest standards
3 adequate to accommodate the displaced owner, reasonably
4 accessible to public services and places of employment. Such
5 payment shall be made only to a displaced owner who pur-
6 chases another dwelling within one year after the date on
7 which he is required to move from the dwelling acquired for
8 the project.~~

~~9 (2) The Secretary of Housing and Urban Development
10 shall determine the prices prevailing in the locality for dwell-
11 ings meeting the requirements of paragraph (1) of this sub-
12 section for all agencies making such payments.~~

~~13 (f) (1) In addition to amounts otherwise authorized
14 by this section, the head of the Federal agency shall make
15 a payment to any individual or family displaced from a
16 dwelling and not eligible to receive a payment under sub-
17 section (e) (1) of this section, provided such dwelling was
18 actually and lawfully occupied by such individual or family
19 for not less than ninety days prior to the initiation of nego-
20 tiations for acquisition of such property (except that this pro-
21 vision requiring occupation of a dwelling ninety days prior to
22 initiation of negotiations shall not apply to a displaced person
23 within the meaning of section 233 of this Act). Such pay-
24 ment, not to exceed \$1,500, shall be an amount which—~~

1 ~~(A) is necessary to make the down payment on the~~
2 ~~purchase of; or~~

3 ~~(B) when added to 20 per centum of the income of~~
4 ~~the displaced individual or family during the two-year~~
5 ~~period immediately preceding displacement, equals the~~
6 ~~average rental required for a two-year period for a de-~~
7 ~~cent, safe, and sanitary dwelling of modest standards~~
8 ~~adequate in the size to accommodate the displaced in-~~
9 ~~dividual or family in areas not generally less desirable~~
10 ~~in regard to public utilities and public and commercial~~
11 ~~facilities. A payment made pursuant to subparagraph~~
12 ~~(B) of this paragraph shall be made only to an indi-~~
13 ~~vidual or family who is unable to secure a dwelling in~~
14 ~~low-rent housing assisted under the United States Hous-~~
15 ~~ing Act of 1937, or under a State or local program found~~
16 ~~by the Secretary of Housing and Urban Development~~
17 ~~to have the same general purposes as the Federal pro-~~
18 ~~gram under such Act, or a dwelling unit assisted under~~
19 ~~section 101 of the Housing and Urban Development~~
20 ~~Act of 1965.~~

21 ~~(2) The Secretary of Housing and Urban Development~~
22 ~~shall determine the amount of assistance under this sub-~~
23 ~~section according to family size, family or individual income,~~
24 ~~average rents required, or similar consideration for all agen-~~
25 ~~cies making such payments.~~

1 ~~(g) No payment received under this section or under~~
2 ~~section 231 of this Act shall be considered as income for the~~
3 ~~purposes of the Internal Revenue Code of 1954, or for the~~
4 ~~purpose of determining the eligibility or the extent of eligi-~~
5 ~~bility of any person for assistance under the Social Security~~
6 ~~Act or any other Federal law.~~

7 ~~(h) The payments provided for in this section shall be~~
8 ~~made administratively by the head of the Federal agency~~
9 ~~acquiring real property, and none of the provisions of this~~
10 ~~section shall in any way affect any condemnation action or~~
11 ~~the just compensation to be determined or paid to the land-~~
12 ~~owner in such action.~~

13 ~~RELOCATION ASSISTANCE PROGRAMS~~

14 ~~SEC. 212. (a) If the head of any Federal agency~~
15 ~~acquires real property for public use in a State, he shall~~
16 ~~provide a relocation assistance program for displaced persons~~
17 ~~which shall offer the services described in subsection (c)~~
18 ~~of this section. If the head of such agency determines that~~
19 ~~persons occupying property immediately adjacent to the real~~
20 ~~property acquired are caused substantial economic injury~~
21 ~~because of the acquisition of real property for public use,~~
22 ~~he may offer such persons relocation services under such~~
23 ~~program.~~

24 ~~(b) Federal agencies administering programs which~~
25 ~~may be of assistance to displaced persons covered by this~~

1 ~~Act shall cooperate to the maximum extent feasible with the~~
2 ~~Federal or State agency causing the displacement to assure~~
3 ~~that such displaced persons receive the maximum assistance~~
4 ~~available to them.~~

5 ~~(c) Each relocation assistance program required by sub-~~
6 ~~section (a) of this section shall include such measures,~~
7 ~~facilities, or services as may be necessary or appropriate in~~
8 ~~order—~~

9 ~~(1) to determine the needs, if any, of displaced~~
10 ~~families, individuals, business concerns, and farm opera-~~
11 ~~tors for relocation assistance;~~

12 ~~(2) to assure that, within a reasonable period of~~
13 ~~time, prior to displacement there will be available in~~
14 ~~areas not generally less desirable in regard to public~~
15 ~~utilities and public and commercial facilities and at rents~~
16 ~~or prices within the financial means of the families and~~
17 ~~individuals displaced, decent, safe, and sanitary dwell-~~
18 ~~ings, equal in number to the number of and available~~
19 ~~to such displaced families and individuals and reasonably~~
20 ~~accessible to their places of employment except that the~~
21 ~~President may prescribe by regulation situations when~~
22 ~~such assurances may be waived;~~

23 ~~(3) to assist owners of displaced businesses, non-~~
24 ~~profit organizations, and farm operators in obtaining~~
25 ~~and becoming established in suitable locations;~~

~~(4) to supply information concerning the Federal housing programs, the small business disaster loan program under section 7 (b) (3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons;~~

~~(5) to assist in minimizing hardships to displaced persons in adjusting to relocation; and~~

~~(6) to assure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.~~

~~STATES FURNISHING REAL PROPERTY INCIDENT TO~~

~~FEDERAL ASSISTANCE~~

~~SEC. 213. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal project to improve a locality, the Federal agency may not accept such property unless the acquiring State agency has made relocation payments, provided relocation assistance, and provided assurance of availability of housing as required in the case of acquisitions of real property by a Federal agency. The State agency shall bear the costs of relocation payments and assistance as a part of the real property acquisition cost, except that the Federal agency having authority over the project shall contribute to the cost of pro-~~

1 ~~viding such payments and assistance to any person displaced~~
2 ~~prior to July 1, 1972, an amount not to exceed (1) the first~~
3 ~~\$25,000 of such cost if the displaced person, at the time of~~
4 ~~displacement, lives in a State which is contiguous to at least~~
5 ~~one other State, or (2) the first \$27,500 if the displaced~~
6 ~~person, at the time of displacement, lives in a State which~~
7 ~~is not contiguous to any other State.~~

8 ~~PART B—FEDERALLY ASSISTED PROGRAMS~~

9 ~~RELOCATION PAYMENTS AND ASSISTANCE; ASSURANCE~~
10 ~~OF AVAILABILITY OF HOUSING~~

11 ~~SEC. 231. (a) Notwithstanding any other provision of~~
12 ~~law, on and after the effective date of this section, no grant~~
13 ~~to, or contract or agreement with a State agency, under~~
14 ~~which Federal financial assistance will be available to pay~~
15 ~~all or part of the cost of (1) the acquisition of real property,~~
16 ~~(2) a public improvement for which real property is to be~~
17 ~~acquired, or (3) a program which will otherwise result in~~
18 ~~the displacement of persons may be approved by the head~~
19 ~~of the Federal agency responsible for the administration of~~
20 ~~such Federal financial assistance unless such State agency~~
21 ~~has entered into an agreement with the head of such Fed-~~
22 ~~eral agency to provide to displaced persons for moves from~~
23 ~~such real property—~~

24 ~~(1) fair and reasonable relocation payments in~~
25 ~~the same amounts and under the same terms and con-~~

~~ditions as are required to be made by a Federal agency by section 211 (a), including actual moving expenses for moving outdoor advertising displays, of this title and in accordance with regulations established by the President under section 241 of this title;~~

~~(2) relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by section 211 (b), (c), (d), (e) (2), and (f) of this title;~~

~~(3) relocation assistance programs offering the services described in section 212 (c) of this title;~~

~~(4) a feasible method for the temporary relocation of families and individuals displaced from the property acquired, and assurance that within a reasonable period of time prior to displacement, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment; and~~

~~(5) a payment for owner occupants under the same terms and conditions as are required to be made~~

1 ~~by Federal agencies by subsection 211 (e) (1) of this~~
2 ~~Act, except that no such payment shall be required or~~
3 ~~included as a project cost under subsection 231 (e) if the~~
4 ~~owner-occupant receives a payment required by the~~
5 ~~State law of eminent domain which is determined by the~~
6 ~~head of the Federal agency to have substantially the~~
7 ~~same purpose and effect as subsection 211 (e) (1) and~~
8 ~~to be part of the cost of the project for which Federal~~
9 ~~financial assistance is available.~~

10 ~~(b) As a condition to further assistance to a State~~
11 ~~agency for (1) part or all of the cost of real property acqui-~~
12 ~~sition, (2) part or all of the cost of a public improvement~~
13 ~~for which real property is to be acquired, or (3) a program~~
14 ~~which will otherwise result in the displacement of families~~
15 ~~and individuals, the head of the Federal agency shall require,~~
16 ~~within a reasonable time prior to actual displacement, satis-~~
17 ~~factory assurance by the State agency that decent, safe, and~~
18 ~~sanitary dwellings as required by subsection 231 (a) (1) are~~
19 ~~available for the relocation of each such individual or family.~~

20 ~~(c) The cost to a State agency of providing the pay-~~
21 ~~ments and services described in subsection (a) of this sec-~~
22 ~~tion may be included as part of the cost of the project~~
23 ~~for which Federal financial assistance is available to such~~
24 ~~State agency, and such State agency shall be eligible for~~
25 ~~Federal financial assistance with respect to such payments~~

1 ~~and services in the same manner and to the same extent as~~
2 ~~with respect to other project costs. Notwithstanding any~~
3 ~~other law, the Federal agency providing such assistance shall~~
4 ~~contribute, to the cost of providing such payments to any~~
5 ~~person displaced prior to July 1, 1972, an amount not to~~
6 ~~exceed (1) the first \$25,000 of such cost if the displaced~~
7 ~~person, at the time of displacement, lives in a State which~~
8 ~~is contiguous to at least one other State, or (2) the first~~
9 ~~\$27,500 if the displaced person, at the time of displacement,~~
10 ~~lives in a State which is not contiguous to any other State.~~
11 ~~Any funds appropriated or otherwise available to a Federal~~
12 ~~agency for assistance to State agencies for such projects shall~~
13 ~~be available also for obligation and expenditure to carry out~~
14 ~~the provisions of this subsection. In order to receive the~~
15 ~~assistance authorized by this subsection, no State agency~~
16 ~~need agree to make any relocation payment in excess of~~
17 ~~(1) \$25,000 to a displaced person if, at the time of dis-~~
18 ~~placement, the person lives in a State which is contiguous to~~
19 ~~at least one other State, or (2) \$27,500 to a displaced~~
20 ~~person if, at the time of displacement, the person lives in~~
21 ~~a State which is not contiguous to any other State.~~

22 ~~(d) In order to prevent unnecessary expenses and~~
23 ~~duplication of functions, and to promote uniform and effec-~~
24 ~~tive administration of relocation assistance programs for~~
25 ~~displaced persons, any agreement by a State agency under~~

1 ~~subsection (a) of this section shall provide that such agency~~
2 ~~may make relocation payments or provide relocation assist-~~
3 ~~ance or otherwise carry out its functions under this title~~
4 ~~by utilizing the facilities, personnel, and services of any~~
5 ~~other State agency having an established organization for~~
6 ~~conducting relocation assistance programs.~~

7 ~~(c) Any grant to, or contract or agreement with, a~~
8 ~~State agency executed before the effective date of this~~
9 ~~section, under which Federal financial assistance is available~~
10 ~~to pay the cost in connection with the acquisition of real~~
11 ~~property, or of the improvement for which such property is~~
12 ~~acquired, may be amended to include the terms and condi-~~
13 ~~tions required by subsection (a) of this section.~~

14 ~~(f) If the head of a Federal agency determines that~~
15 ~~it is necessary for the expeditious completion of a public~~
16 ~~improvement for which a State agency has entered into~~
17 ~~agreement, as described in subsection (a) of this section,~~
18 ~~to make relocation payments to displaced persons, or to pro-~~
19 ~~vide the funds necessary to meet the requirements of section~~
20 ~~321 (b) (1) of this Act, he may advance to the State agency~~
21 ~~the Federal share of such relocation payments and an amount~~
22 ~~necessary to make the required payments under section 321~~
23 ~~(b) (1). Upon determination by the head of such Federal~~
24 ~~agency that any part of the funds advanced to a State agency~~

1 ~~under this subsection are no longer required, the amount~~
2 ~~which he determines not to be required shall be repaid upon~~
3 ~~demand. Any sum advanced and not repaid on demand~~
4 ~~shall be deducted from sums otherwise available to such State~~
5 ~~agency from Federal sources.~~

6 ~~(g) The provisions of this section shall not be appli-~~
7 ~~cable to any situation which comes within the provisions of~~
8 ~~the first sentence of paragraph (8) of section 15 of the~~
9 ~~United States Housing Act of 1937 (42 U.S.C. 1415 (8)).~~

10 ~~DISPLACEMENT BY CERTAIN PROGRAMS RECEIVING ASSIST-~~
11 ~~ANCE UNDER TITLE I OF THE HOUSING ACT OF 1949,~~
12 ~~AS AMENDED, AND TITLE I OF THE DEMONSTRATION~~
13 ~~CITIES AND METROPOLITAN DEVELOPMENT ACT OF~~
14 ~~1966~~

15 ~~SEC. 232. A person who moves or discontinues his busi-~~
16 ~~ness, or moves other personal property, or moves from his~~
17 ~~dwelling on or after the effective date of this Act, as a direct~~
18 ~~result of any project or program which receives Federal~~
19 ~~financial assistance under title I of the Housing Act of 1949,~~
20 ~~as amended, or as a result of carrying out a comprehensive~~
21 ~~city demonstration program under title I of the Demonstra-~~
22 ~~tion Cities and Metropolitan Development Act of 1966 shall,~~
23 ~~for the purposes of this title, be deemed to be a displaced~~
24 ~~person.~~

1 ~~DISPLACEMENT BY CERTAIN OTHER PROGRAMS~~

2 ~~SEC. 233. Notwithstanding any other provision of this~~
3 ~~title, a person—~~

4 ~~(1) who moves or discontinues his business, moves~~
5 ~~other personal property, or moves from his dwelling on~~
6 ~~or after January 1, 1969, and before the effective date~~
7 ~~prescribed in section 253 (a), as the result of the con-~~
8 ~~templated demolition of structures or the construction~~
9 ~~of improvements on real property acquired, in whole~~
10 ~~or in part, by a Federal agency; and~~

11 ~~(2) who has lived on, or conducted a business on,~~
12 ~~such real property for at least one year prior to the date~~
13 ~~of enactment of this Act;~~

14 ~~may be considered a displaced person, for purposes of sec-~~
15 ~~tions 211 and 212 of this title, by the head of the agency~~
16 ~~acquiring the real property if—~~

17 ~~(A) the head of the agency determines that such~~
18 ~~person has suffered undue hardship as the result of dis-~~
19 ~~placement from the real property; and~~

20 ~~(B) the Federal Government acquired and held~~
21 ~~such property for at least 5 years prior to the effective~~
22 ~~date prescribed in section 253 (a).~~

23 ~~PART C AUTHORITY OF THE PRESIDENT~~

24 ~~SEC. 241. (a) To carry out the provisions of title II of~~
25 ~~this Act, the President is authorized to make such rules and~~
26 ~~regulations as he may determine to be necessary to assure—~~

~~(1) that relocation payments authorized by section 211 shall be fair and reasonable and as uniform as practicable;~~

~~(2) that a displaced person entitled to a relocation payment under section 211 (a) shall be reimbursed for or paid—~~

~~(A) his reasonable and necessary expenses in moving himself, his family, his business, farm operation, or other personal property, and for his reasonable and necessary expenses in searching for a replacement property;~~

~~(B) if he disposes of personal property on moving his business or farm operation and replaces such property at the new location at a price exceeding any sum received from disposing of such property, the amount of the difference between such prices not to exceed the estimated cost of moving the property or its market value, whichever is less; and~~

~~(C) such other expenses authorized by section 211 (a) as may be provided for in regulations issued under this section;~~

~~(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move~~

1 ~~or, in certain hardship cases, the President may, by~~
2 ~~regulation, authorize advance payment of certain relo-~~
3 ~~cation costs;~~

4 ~~(4) that any person aggrieved by a determination~~
5 ~~as to eligibility for a relocation payment authorized by~~
6 ~~this title, or the amount of a payment, may have his~~
7 ~~application reviewed by the head of the Federal agency;~~
8 ~~and~~

9 ~~(5) that a displaced person shall have a reasonable~~
10 ~~time in which to apply for a relocation payment au-~~
11 ~~thorized by this title.~~

12 ~~(b) The President may, by regulation, establish a limi-~~
13 ~~tation on the amount of a relocation payment authorized by~~
14 ~~section 211 (a) with due consideration for the declaration~~
15 ~~of policy of this title and the provisions of subsection (a)~~
16 ~~of this section and section 231 (c).~~

17 ~~(c) In order to prevent unnecessary expense and dupli-~~
18 ~~cation of functions, and to promote uniform and effective~~
19 ~~administration of relocation assistance programs for dis-~~
20 ~~placed persons, the President is authorized to require that~~
21 ~~any Federal agency make relocation payments or provide~~
22 ~~relocation services, or otherwise carry out its functions under~~
23 ~~this title, by utilizing the facilities, personnel, and services~~
24 ~~of any other Federal agency, or by entering into appropriate~~
25 ~~contracts or agreements with any State agency having an~~

1 ~~established organization for conducting relocation assistance~~
2 ~~programs.~~

3 ~~(d) The President may make such other rules and~~
4 ~~regulations consistent with the provisions of this title as he~~
5 ~~deems necessary or appropriate to carry out this title.~~

6 ~~PART D—GENERAL PROVISIONS~~

7 ~~SEVERABILITY~~

8 ~~SEC. 251. If any provision of this title, or the applica-~~
9 ~~tion thereof to any person or circumstance is held invalid,~~
10 ~~the remainder of this title and the application of the provi-~~
11 ~~sion to other persons or circumstances shall not be affected~~
12 ~~thereby.~~

13 ~~REPEALER~~

14 ~~SEC. 252. (a) The following laws and parts of laws are~~
15 ~~hereby repealed:~~

16 ~~(1) the Act entitled "An Act to authorize the~~
17 ~~Secretary of the Interior to reimburse owners of lands~~
18 ~~required for development under his jurisdiction for their~~
19 ~~moving expenses, and for other purposes," approved~~
20 ~~May 29, 1958 (43 U.S.C. 1231-1234);~~

21 ~~(2) paragraph 14 of section 203 (b) of the Na-~~
22 ~~tional Aeronautics and Space Act of 1958 (42 U.S.C.~~
23 ~~2473);~~

24 ~~(3) section 2680 of title 10, United States Code;~~

25 ~~(4) section 133 of title 23, United States Code;~~

1 ~~(5) section 7 (b) of the Urban Mass Transporta-~~
2 ~~tion Act of 1964 (49 U.S.C. 1606 (b)) ;~~

3 ~~(6) section 105 (e) of the Housing Act of 1949~~
4 ~~(42 U.S.C. 1455 (e)) ;~~

5 ~~(7) section 114 of the Housing Act of 1949 (42~~
6 ~~U.S.C. 1465) ;~~

7 ~~(8) paragraph (7) (b) (iii) of section 15 of the~~
8 ~~United States Housing Act of 1937 (42 U.S.C. 1415~~
9 ~~(7) (b) (iii)) ;~~

10 ~~(9) paragraph (8) of section 15 of the United~~
11 ~~States Housing Act of 1937 (42 U.S.C. 1415 (8)) ,~~
12 ~~except the first sentence of such paragraph ;~~

13 ~~(10) section 404 of the Housing and Urban De-~~
14 ~~velopment Act of 1965 (42 U.S.C. 3074) ;~~

15 ~~(11) section 107 (b) and (c) of the Demonstra-~~
16 ~~tion Cities and Metropolitan Development Act of 1966~~
17 ~~(42 U.S.C. 3307) ;~~

18 ~~(12) chapter 5 of title 23, United States Code ; and~~

19 ~~(13) sections 32 and 33 of the Federal Aid High-~~
20 ~~way Act of 1968 (Public Law 90-495) .~~

21 ~~(b) Any rights or liabilities now existing under prior~~
22 ~~Acts or portions thereof shall not be affected by the repeal~~

1 ~~of such prior Acts or portions thereof under subsection (a)~~
2 ~~of this section.~~

3 ~~EFFECTIVE DATE~~

4 ~~SEC. 253. (a) Except as provided in subsection (b),~~
5 ~~this title and the amendments made by this title shall become~~
6 ~~effective one hundred and eighty days after the date of its~~
7 ~~enactment.~~

8 ~~(b) Sections 231, 232, and 252 (a) (4), (5), (6),~~
9 ~~(7), (8), (9), (10), and (11) shall take effect on~~
10 ~~July 1, 1971, except that commencing one hundred and~~
11 ~~eighty days after enactment, the provisions of sections 231~~
12 ~~and 232 shall be applicable with respect to any grant to or~~
13 ~~contract or agreement with a State agency to the extent~~
14 ~~it is able under its laws to comply with such sections and~~
15 ~~the provisions of Federal law governing relocation payments~~
16 ~~and assistance otherwise applicable to grants to or contracts~~
17 ~~or agreements with such agency shall be superseded by~~
18 ~~this title.~~

19 ~~FUND AVAILABILITY~~

20 ~~SEC. 254. Funds appropriated or otherwise available~~
21 ~~to any Federal agency for the acquisition of real property~~

1 ~~or any interest therein shall be available also for obligation~~
2 ~~and expenditure to carry out the provisions of this title.~~

3 ~~TITLE III—UNIFORM LAND ACQUISITION~~

4 ~~POLICY~~

5 ~~PART A—FEDERAL PROGRAMS~~

6 ~~UNIFORM POLICY ON LAND ACQUISITION PRACTICES~~

7 ~~SEC. 301. (a) In order to encourage the acquisition~~
8 ~~of real property by amicable agreements with owners, to~~
9 ~~relieve congestion in the courts, to assure consistent treat-~~
10 ~~ment for owners in the many Federal programs, and to pro-~~
11 ~~mote public confidence in Federal land acquisition practices,~~
12 ~~heads of Federal agencies shall be governed by the following~~
13 ~~policies:~~

14 ~~(1) The head of a Federal agency shall conduct trans-~~
15 ~~actions for the acquisition of real property in such a manner~~
16 ~~as to assure to the extent possible that persons whose prop-~~
17 ~~erty is acquired shall not be worse off economically than~~
18 ~~they were before the property was acquired.~~

19 ~~(2) The head of a Federal agency shall make every~~
20 ~~reasonable effort to acquire real property by negotiated~~
21 ~~purchase.~~

22 ~~(3) Real property shall be appraised before the initia-~~
23 ~~tion of negotiations, and the owner or his designated repre-~~
24 ~~sentative shall be given an opportunity to accompany the~~

1 ~~appraiser during his inspection of the property. A copy of~~
2 ~~the appraisal report shall be furnished the landowner.~~

3 ~~(4) Before the initiation of negotiations for real prop-~~
4 ~~erty, the head of the Federal agency concerned shall estab-~~
5 ~~lish an amount which he believes to be just compensation,~~
6 ~~such amount not to be less than the appraised value of the~~
7 ~~property as approved by such agency head, and shall make~~
8 ~~a prompt offer to acquire the property for the full amount~~
9 ~~so established. Any decrease or increase in the value of real~~
10 ~~property prior to the date of valuation caused by the public~~
11 ~~improvement for which such property is acquired, or by the~~
12 ~~likelihood that the property would be acquired for the pro-~~
13 ~~posed public improvement, other than that due to physical~~
14 ~~deterioration within the reasonable control of the owner,~~
15 ~~will be disregarded in determining the compensation for the~~
16 ~~property.~~

17 ~~(5) Unless the head of the Federal agency determines~~
18 ~~that an emergency exists and severe or irreparable damages~~
19 ~~or injury may be caused by complying with this subsec-~~
20 ~~tion, no owner shall be required to surrender possession of~~
21 ~~real property before the head of the Federal agency con-~~
22 ~~cerned pays the agreed purchase price, or deposits with~~
23 ~~the court in accordance with section 1 of the Act of February~~
24 ~~26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the ben-~~

1 ~~entitled of the owner an amount not less than the appraised~~
2 ~~fair value of such property as determined by such agency~~
3 ~~head, or the amount of the award of compensation in the~~
4 ~~condemnation proceeding for such property.~~

5 ~~(6) The construction or development of public improve-~~
6 ~~ments shall be so scheduled that, to the greatest extent~~
7 ~~practicable, no person lawfully occupying the real property~~
8 ~~shall be required to move from his home, farm, or business~~
9 ~~location without at least ninety days' written notice from~~
10 ~~the head of the Federal agency concerned.~~

11 ~~(7) If the head of the Federal agency concerned does~~
12 ~~not require a building, structure, or other improvement ac-~~
13 ~~quired as a part of the real property, he shall, where practi-~~
14 ~~cable, offer to permit its owner to remove it. As a condition of~~
15 ~~removal, an appropriate agreement shall be required whereby~~
16 ~~the fair value of such building, structure, or improvement~~
17 ~~for removal from the real property, as determined by such~~
18 ~~agency head, will be deducted from the compensation other-~~
19 ~~wise to be paid for the real property, however such compen-~~
20 ~~sation may be determined.~~

21 ~~(8) If the head of a Federal agency permits an owner~~
22 ~~or tenant to occupy the real property acquired on a rental~~
23 ~~basis for a short term or for a period subject to termination~~
24 ~~by the Government on short notice, the amount of rent~~

1 required shall not exceed the fair rental value of the property
2 to a short-term occupier.

3 ~~(9) In no event shall the head of a Federal agency~~
4 ~~either advance the time of condemnation, or defer the con-~~
5 ~~demnation and the deposit of funds in court for the use of~~
6 ~~the owner, in order to compel an agreement on the price to~~
7 ~~be paid for the property. If any agency head cannot reach an~~
8 ~~agreement with the owner, after negotiations have con-~~
9 ~~tinued for a reasonable time, he shall promptly institute~~
10 ~~condemnation proceedings and, at the same time or as soon~~
11 ~~thereafter as practicable, file a declaration of taking and~~
12 ~~deposit funds with the court in accordance with the Act of~~
13 ~~February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), if~~
14 ~~possession is required prior to the entry of the judgment~~
15 ~~in the condemnation proceeding.~~

16 ~~(10) If an interest in real property is to be acquired~~
17 ~~by exercise of the power of eminent domain, the head of~~
18 ~~the Federal agency concerned shall, except as to property~~
19 ~~to be acquired under section 25 of the Tennessee Valley~~
20 ~~Authority Act of 1933, as amended (48 Stat. 70; 16 U.S.C.~~
21 ~~831x), require the Attorney General to institute formal con-~~
22 ~~demnation proceedings. No Federal agency head shall inten-~~
23 ~~tionally make it necessary for an owner to institute legal pro-~~
24 ~~ceedings to prove the fact of the taking of his property.~~

1 ~~(11) If only a portion of a parcel of real property is~~
 2 ~~to be acquired, thereby leaving the unacquired portion with-~~
 3 ~~out economic use, the head of the Federal agency concerned~~
 4 ~~shall offer to acquire the entire property.~~

5 ~~(12) In determining the boundaries of a proposed~~
 6 ~~public improvement, the head of the Federal agency con-~~
 7 ~~cerned should take into account human considerations, in-~~
 8 ~~cluding the economic and social effects of such determina-~~
 9 ~~tion on the owners and tenants of real property in the~~
 10 ~~area, in addition to engineering and other factors.~~

11 ~~(b) The provisions of this section shall not affect the~~
 12 ~~validity of any property acquisitions by purchase or con-~~
 13 ~~demnation.~~

14 ~~BUILDINGS, STRUCTURES, AND IMPROVEMENTS~~

15 ~~SEC. 302. (a) Notwithstanding any other provisions of~~
 16 ~~law, if the head of a Federal agency acquires land or any~~
 17 ~~interest in land for public use in a State, he shall acquire~~
 18 ~~a like interest, or greater interest, in all buildings, structures,~~
 19 ~~or other improvements on the land so acquired which are~~
 20 ~~required to be removed from the land or which, in the~~
 21 ~~opinion of such agency head, will be adversely affected by~~
 22 ~~such public use, if such improvements are not required to be~~
 23 ~~removed.~~

24 ~~(b) As used in this section, the term "real property"~~
 25 ~~means land, or any interest in land, and (1) any building,~~

~~1 structure, or other improvement imbedded in or affixed to~~
~~2 land, and any article so affixed or attached to such building,~~
~~3 structure, or improvement as to be an essential and integral~~
~~4 part thereof; (2) any article affixed or attached to such~~
~~5 real property in such manner that it cannot be removed~~
~~6 without material injury to itself or the real property; and~~
~~7 (3) any article so designed, constructed, or specially adapted~~
~~8 for the purpose for which such real property is used that~~
~~9 (A) it is an essential accessory or part of such real prop-~~
~~10 erty, (B) it is not capable of use elsewhere, and (C) it~~
~~11 would lose substantially all its value if removed from the~~
~~12 real property.~~

~~13 (c) (1) For the purpose of determining the extent of~~
~~14 the acquisition of real property and the valuation thereof, no~~
~~15 building, structure, or other improvement shall be deemed~~
~~16 to be other than a part of the real property solely because~~
~~17 of the right or obligation of a tenant, as against the owner~~
~~18 of any other interest in the real property, to remove such~~
~~19 building, structure, or improvement at the expiration of his~~
~~20 term, and the head of the Federal agency shall pay to the~~
~~21 tenant the fair value of the building, structure, or improve-~~
~~22 ment, which fair value shall be determined by such agency~~
~~23 head as the greatest of (A) the contributive value of the~~
~~24 improvement to the present use of the entirety, (B) the~~
~~25 current cost of replacement less depreciation of the improve-~~

1 ~~ment, or (C) the value of the improvement for removal~~
 2 ~~from the property.~~

3 ~~(2) Payment under this subsection shall not result in~~
 4 ~~duplication of any payments otherwise authorized by law.~~
 5 ~~No such payment shall be made unless the fee owner of~~
 6 ~~the land involved disclaims any interest in the improve-~~
 7 ~~ments of the lessee. In consideration for any such payment,~~
 8 ~~the lessee shall assign, transfer, and release to the United~~
 9 ~~States all his right, title, and interest in and to such improve-~~
 10 ~~ments. No provision of this subsection shall be construed~~
 11 ~~to deprive the lessee of his right to reject the payments~~
 12 ~~hereunder and to obtain payment for his property interests~~
 13 ~~of just compensation as otherwise defined by law.~~

14 ~~EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO~~
 15 ~~UNITED STATES~~

16 ~~SEC. 303. The head of a Federal agency as soon as~~
 17 ~~practicable after the date of payment of the purchase price or~~
 18 ~~the date of deposit of funds to satisfy the award of com-~~
 19 ~~penensation in a condemnation proceeding to acquire real~~
 20 ~~property, whichever is the earlier, shall reimburse the owner~~
 21 ~~for necessary and reasonable expenses incurred for—~~

22 ~~(1) recording fees, transfer taxes, and similar ex-~~
 23 ~~penses incidental to conveying such real property;~~

24 ~~(2) penalty costs for prepayment of any mortgage~~
 25 ~~entered into in good faith encumbering such real prop-~~

erty if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the authorized Federal agency; and

(3) the pro rata portion of real property taxes allocable to a period subsequent to the date of vesting title in the United States or the effective date of a court order of possession, whichever is the earlier, unless such pro rata portion of the taxes may be cancelled under State or local laws.

~~PART B — FEDERALLY ASSISTED PROGRAMS~~
~~REQUIREMENTS FOR APPROVAL OF CONTRACTS OR~~
~~AGREEMENTS FOR FEDERAL ASSISTANCE~~

~~SEC. 321. (a) Notwithstanding any other provision of law, on and after the date of enactment of this section no grant to or contract or agreement with a State agency, under which Federal financial assistance will be available to pay in whole or in part the cost of the acquisition of real property or of a public improvement for which real property is to be acquired, may be approved by the head of the Federal agency responsible for the administration of such Federal financial assistance unless such State agency has entered into an agreement which shall provide—~~

~~(1) that every reasonable effort shall be made to acquire the real property by negotiated purchase;~~

1 ~~(2) that the construction or development of the~~
2 ~~public improvement shall be so scheduled that, to the~~
3 ~~greatest extent practicable, no person lawfully occupy-~~
4 ~~ing the real property shall be required to move from~~
5 ~~his home, farm, or business location without at least~~
6 ~~ninety days' written notice from such State agency; and~~

7 ~~(3) that it shall be the policy of the head of the~~
8 ~~State agency, before initiating negotiations for real~~
9 ~~property, to establish an amount which he believes to~~
10 ~~be just compensation, under the laws of the State, such~~
11 ~~amount not to be less than the appraised value of the~~
12 ~~property as approved by such State agency head, and~~
13 ~~to make a prompt offer to acquire the property for the~~
14 ~~full amount so established.~~

15 ~~(b) Notwithstanding any other provision of law, no~~
16 ~~grant to, or contract or agreement with, a State agency, under~~
17 ~~which Federal financial assistance will be available to pay~~
18 ~~in whole or in part the cost of the acquisition of real prop-~~
19 ~~erty, or of a public improvement for which real property is~~
20 ~~to be acquired, may be approved by the head of the Federal~~
21 ~~agency responsible for the administration of such Federal~~
22 ~~financial assistance, unless such State agency has entered~~
23 ~~into the agreements described in subsection (a) of this sec-~~
24 ~~tion and has also agreed—~~

25 ~~(1) that no owner will be required to surrender~~

~~possession of real property before the head of the State agency (A) pays the agreed purchase price, (B) makes available to the owner, by court deposit or otherwise, an amount not less than the appraised fair value of such property, as approved by such State agency head, without prejudice to the right of the owner to contest the amount of compensation due for the property, or (C) deposits or pays the final award of compensation in the condemnation proceeding for such property;~~

~~(2) that the head of the State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner for necessary and reasonable expenses incurred for—~~

~~(A) recording fees, transfer taxes, and similar expenses incidental to conveying such real property;~~

~~(B) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date the official announcement of the project is made by the State agency; and~~

1 ~~(C) the pro rata portion of real property~~
2 ~~taxes allocable to a period subsequent to the date of~~
3 ~~vesting title in the State or the effective date of a~~
4 ~~court order of possession, whichever is the earlier,~~
5 ~~unless such pro rata portion of the taxes may be~~
6 ~~cancelled under State or local laws;~~

7 ~~(3) that any decrease or increase in the value of~~
8 ~~real property prior to the date of valuation caused by~~
9 ~~the public improvement for which such property is ac-~~
10 ~~quired, or by the likelihood that the property would be~~
11 ~~acquired for the proposed public improvements, other~~
12 ~~than that due to physical deterioration within the reason-~~
13 ~~able control of the owner, will be disregarded in deter-~~
14 ~~mining the compensation for the property; and~~

15 ~~(4) that for the purpose of determining the extent~~
16 ~~of the acquisition of real property and the valuation~~
17 ~~thereof, no building, structure, or other improvement~~
18 ~~shall be deemed to be other than a part of the real prop-~~
19 ~~erty solely because of the right or obligation of a tenant,~~
20 ~~as against the owner of any other interest in the real~~
21 ~~property, to remove such building, structure, or improve-~~
22 ~~ment at the expiration of his term, and the head of the~~
23 ~~State agency shall pay to the tenant the fair value of the~~
24 ~~building, structure, or improvement, which fair value~~
25 ~~shall be determined by such agency head as the greatest~~

~~of (1) the contributive value of the improvement to the~~
~~present use of the entirety, (2) the current cost of repro-~~
~~duction less depreciation of the improvement, or (3) the~~
~~value of the improvement for removal from the property,~~
~~except that (1) payment hereunder will not result in~~
~~duplication of any payments otherwise authorized by~~
~~law; (2) the fee owner of the land involved disclaims~~
~~any interest in the improvements of the lessee; and (3)~~
~~the lessee in consideration for such payment shall assign,~~
~~transfer, and release to the State agency all his right,~~
~~title, and interest in and to such improvements. No pro-~~
~~vision of this paragraph shall be construed to deprive~~
~~the lessee of his right to reject the payments hereunder~~
~~and to obtain payment for his property interests of just~~
~~compensation as otherwise defined by law.~~

~~PROVISIONS REPEALED~~

~~SEC. 322. Sections 401, 402, and 403 of the Housing~~
~~and Urban Development Act of 1965 (42 U.S.C. 3071-~~
~~3073) and section 35 of the Federal Aid Highway Act of~~
~~1968 (Public Law 90-495) are hereby repealed.~~

~~EFFECTIVE DATE~~

~~SEC. 323. (a) Except as provided in subsection (b),~~
~~this title shall become effective one hundred and eighty days~~
~~after enactment.~~

~~(b) Sections 321(b) and 322 shall take effect on July~~

1 ~~1, 1971, except that commencing one hundred and eighty~~
2 ~~days after enactment, the provisions of section 321 (b) shall~~
3 ~~be applicable with respect to any grant to or contract or~~
4 ~~agreement with a State agency to the extent it is able under~~
5 ~~its laws to comply with such sections and the provisions of~~
6 ~~Federal law governing acquisition of real property otherwise~~
7 ~~applicable to grants to or contracts or agreements with such~~
8 ~~agency shall be superseded by this title.~~

9 ~~TITLE IV—JUDICIAL REVIEW~~

10 ~~SEC. 401. The provisions of sections 551–553, 559, and~~
11 ~~701–706 of title 5, United States Code, shall apply to an~~
12 ~~action of a Federal agency under titles II and III. For pur-~~
13 ~~poses of this title, the definition of “person” contained in~~
14 ~~section 551 (2) of title 5, United States Code, shall be~~
15 ~~deemed to include a State as defined by section 102 of this~~
16 ~~Act.~~

17 ~~SEC. 402. Any person or State adversely affected or~~
18 ~~aggrieved by a final action of a Federal agency under title~~
19 ~~II or title III of this Act may seek judicial review of such~~
20 ~~final agency action and demand appropriate relief in a~~
21 ~~judicial district of the United States as follows:~~

22 ~~(1) if the agency action pertains to property or any~~
23 ~~interest therein acquired or being acquired by the United~~
24 ~~States, or the ownership or right of the United States~~

1 to possession of property, by an action in the judicial
2 district in which the property is situated; and

3 ~~(2)~~ in all other matters, by an action in a judicial
4 district as provided for in section ~~1391(c)~~ of title 28,
5 United States Code.

6 *That this Act may be cited as the "Uniform Relocation*
7 *Assistance and Real Property Acquisition Policies Act of*
8 *1970".*

9 TITLE I—GENERAL PROVISIONS

10 SEC. 101. *As used in this Act—*

11 (1) *The term "Federal agency" means any department,*
12 *agency, or instrumentality in the executive branch of the*
13 *Government (except the National Capital Housing Author-*
14 *ity), any wholly owned Government corporation (except*
15 *the District of Columbia Redevelopment Land Agency),*
16 *and the Architect of the Capitol, the Federal Reserve banks*
17 *and branches thereof.*

18 (2) *The term "State" means any of the several States*
19 *of the United States, the District of Columbia, the Common-*
20 *wealth of Puerto Rico, any territory or possession of the*
21 *United States, the Trust Territory of the Pacific Islands,*
22 *and any political subdivision thereof.*

23 (3) *The term "State agency" means the National Cap-*
24 *ital Housing Authority, the District of Columbia Redevel-*
25 *opment Land Agency, and any department, agency, or in-*

1 *strumentality of a State or of a political subdivision of a*
2 *State, or any department, agency, or instrumentality of two*
3 *or more States or of two or more political subdivisions of a*
4 *State or States.*

5 (4) *The term "Federal financial assistance" means a*
6 *grant, loan, or contribution provided by the United States,*
7 *except any Federal guarantee or insurance and any annual*
8 *payment or capital loan to the District of Columbia.*

9 (5) *The term "person" means any individual, partner-*
10 *ship, corporation, or association.*

11 (6) *The term "displaced person" means any person*
12 *who, on or after the effective date of this Act, moves from*
13 *real property, or moves his personal property from real prop-*
14 *erty, as a result of the acquisition of such real property, in*
15 *whole or in part, or as the result of the written order of the*
16 *acquiring agency to vacate real property, for a program*
17 *or project undertaken by a Federal agency, or with Federal*
18 *financial assistance; and solely for the purposes of sections*
19 *202(a) and (b) and 205 of this title, as a result of the*
20 *acquisition of or as the result of the written order of the*
21 *acquiring agency to vacate other real property, on which*
22 *such person conducts a business or farm operation, for such*
23 *program or project.*

24 (7) *The term "business" means any lawful activity,*
25 *excepting a farm operation, conducted primarily—*

1 (A) for the purchase, sale, lease and rental of
2 personal and real property, and for the manufacture,
3 processing, or marketing of products, commodities, or
4 any other personal property;

5 (B) for the sale of services to the public;

6 (C) by a nonprofit organization; or

7 (D) solely for the purposes of section 202(a) of
8 this title, for assisting in the purchase, sale, resale, manu-
9 facture, processing, or marketing of products, commodi-
10 ties, personal property, or services by the erection and
11 maintenance of an outdoor advertising display or dis-
12 plays, whether or not such display or displays are located
13 on the premises on which any of the above activities are
14 conducted.

15 (8) The term “farm operation” means any activity
16 conducted solely or primarily for the production of one or
17 more agricultural products or commodities, including timber,
18 for sale or home use, and customarily producing such prod-
19 ucts or commodities in sufficient quantity to be capable of con-
20 tributing materially to the operator’s support.

21 (9) The term “mortgage” means such classes of liens
22 as are commonly given to secure advances on, or the unpaid
23 purchase price of, real property, under the laws of the State
24 in which the real property is located, together with the credit
25 instruments, if any, secured thereby.

FINALITY OF DETERMINATIONS

1

2 *SEC. 102. (a) Any determination by the head of a Fed-*
3 *eral agency administering a program or project as to pay-*
4 *ments under titles II and III of this Act shall be final and no*
5 *provision of such titles shall be construed to give any person*
6 *a cause of action in any court, nor may any violation of either*
7 *of such titles be raised as a defense by such person in any*
8 *action.*

9 *(b) The provisions of section 301 of title III of this Act*
10 *create no rights or liabilities and shall not affect the validity*
11 *of any property acquisitions by purchase or condemnation.*

12 *(c) Nothing in this Act shall be construed as creating*
13 *in any condemnation proceedings brought under the power of*
14 *eminent domain, any element of value or of damage not in*
15 *existence on the date of enactment of this Act.*

TITLE II—UNIFORM RELOCATION

16

ASSISTANCE

17

DECLARATION OF POLICY

18

19 *SEC. 201. The purpose of this title is to establish a uni-*
20 *form policy for the fair and equitable treatment of persons*
21 *displaced as a result of Federal and federally assisted pro-*
22 *grams in order that such persons shall not suffer dispropor-*
23 *tionate injuries as a result of programs designed for the bene-*
24 *fit of the public as a whole.*

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of

1 the Federal agency, not to exceed \$300; and a dislocation
2 allowance of \$200.

3 (c) Any displaced person eligible for payments under
4 subsection (a) of this section who is displaced from his place
5 of business or from his farm operation and who elects to
6 accept the payment authorized by this subsection in lieu of
7 the payment authorized by subsection (a) of this section,
8 may receive a fixed payment in an amount equal to the aver-
9 age annual net earnings of the business or farm operation,
10 except that such payment shall be not less than \$2,500 nor
11 more than \$10,000. In the case of a business no payment
12 shall be made under this subsection unless the head of the
13 Federal agency is satisfied that the business (1) cannot be
14 relocated without a substantial loss of its existing patronage,
15 and (2) is not a part of a commercial enterprise having at
16 least one other establishment not being acquired by the
17 United States, which is engaged in the same or similar busi-
18 ness. For purposes of this subsection, the term "average an-
19 nual net earnings" means one-half of any net earnings of
20 the business or farm operation, before Federal, State, and
21 local income taxes, during the two taxable years immediately
22 preceding the taxable year in which such business or farm
23 operation moves from the real property acquired for such
24 project, or during such other period as the head of such
25 agency determines to be more equitable for establishing such

1 earnings, and includes any compensation paid by the busi-
2 ness or farm operation to the owner, his spouse, or his de-
3 pendents during such period.

4 *REPLACEMENT HOUSING FOR HOMEOWNER*

5 *SEC. 203. (a)(1) In addition to payments otherwise*
6 *authorized by this title, the head of the Federal agency shall*
7 *make an additional payment not in excess of \$15,000 to any*
8 *displaced person who is displaced from a dwelling actually*
9 *owned and occupied by such displaced person for not less*
10 *than one hundred and eighty days prior to the initiation of*
11 *negotiations for the acquisition of the property. Such addi-*
12 *tional payment shall include the following elements:*

13 *(A) The amount, if any, which when added to the*
14 *acquisition cost of the dwelling acquired by the Federal*
15 *agency, equals the reasonable cost of a comparable replace-*
16 *ment dwelling which is a decent, safe, and sanitary dwelling*
17 *adequate to accommodate such displaced person, reasonably*
18 *accessible to public services and places of employment and*
19 *available on the private market. All determinations required*
20 *to carry out this subparagraph shall be made in accordance*
21 *with standards established by the head of the Federal agency*
22 *making the additional payment.*

23 *(B) The amount, if any, which will compensate such*
24 *displaced person for any increased interest costs which such*
25 *person is required to pay for financing the acquisition of any*

1 such comparable replacement dwelling. Such amount shall be
2 paid only if the dwelling acquired by the Federal agency was
3 encumbered by a bona fide mortgage which was a valid lien
4 on such dwelling for not less than one hundred and eighty
5 days prior to the initiation of negotiations for the acquisition
6 of such dwelling. Such amount shall be equal to the excess
7 in the aggregate interest and other debt service costs of that
8 amount of the principal of the mortgage on the replacement
9 dwelling which is equal to the unpaid balance of the mort-
10 gage on the acquired dwelling, over the remainder term of
11 the mortgage on the acquired dwelling, reduced to discounted
12 present value. The discount rate shall be the prevailing inter-
13 est rate paid on savings deposits by commercial banks in the
14 general area in which the replacement dwelling is located.

15 (C) Reasonable expenses incurred by such displaced
16 person for evidence of title, recording fees, and other closing
17 costs incident to the purchase of the replacement dwelling,
18 but not including prepaid expenses.

19 (2) The additional payment authorized by this sub-
20 section shall be made only to such a displaced person who
21 purchases and occupies a replacement dwelling which is de-
22 cent, safe, and sanitary not later than the end of the one year
23 period beginning on the date on which he receives from the
24 Federal agency final payment of all costs of the acquired

1 dwelling, or on the date on which he moves from the acquired
2 dwelling, whichever is the later date.

3 (b) The head of any Federal agency may, upon ap-
4 plication by a mortgagee, insure any mortgage (including
5 advances during construction) on a comparable replacement
6 dwelling executed by a displaced person assisted under this
7 section, which mortgage is eligible for insurance under any
8 Federal law administered by such agency notwithstanding
9 any requirements under such law relating to age, physical
10 condition, or other personal characteristics of eligible mort-
11 gagors, and may make commitments for the insurance of
12 such mortgage prior to the date of execution of the mortgage.

13 REPLACEMENT HOUSING FOR TENANTS AND CERTAIN
14 OTHERS

15 SEC. 204. In addition to amounts otherwise authorized
16 by this title, the head of the Federal agency shall make a
17 payment to or for any displaced person displaced from any
18 dwelling not eligible to receive a payment under section 203
19 which dwelling was actually and lawfully occupied by such
20 displaced person for not less than ninety days prior to the
21 initiation of negotiations for acquisition of such dwelling.
22 Such payment shall be either—

23 (1) the amount necessary to enable such displaced
24 person to lease or rent for a period not to exceed four

1 *years, a decent, safe, and sanitary dwelling of standards*
2 *adequate to accommodate such person in areas not gen-*
3 *erally less desirable in regard to public utilities and pub-*
4 *lic and commercial facilities, and reasonably accessible to*
5 *his place of employment, but not to exceed \$4,000, or*

6 *(2) the amount necessary to enable such person to*
7 *make a downpayment (including incidental expenses*
8 *described in section 203(a)(1)(C)) on the purchase of*
9 *a decent, safe, and sanitary dwelling of standards ade-*
10 *quate to accommodate such person in areas not generally*
11 *less desirable in regard to public utilities and public and*
12 *commercial facilities, but not to exceed \$4,000, except*
13 *that if such amount exceeds \$2,000, such person must*
14 *equally match any such amount in excess of \$2,000, in*
15 *making the downpayment.*

16 *RELOCATION ASSISTANCE ADVISORY SERVICES*

17 *SEC. 205. (a) Whenever the acquisition of real property*
18 *for a program or project undertaken by a Federal agency in*
19 *any State will result in the displacement of any person on or*
20 *after the effective date of this section, the head of such agency*
21 *shall provide a relocation assistance advisory program for dis-*
22 *placed persons which shall offer the services described in sub-*
23 *section (c) of this section. If such agency head determines*
24 *that any person occupying property immediately adjacent to*
25 *the real property acquired is caused substantial economic*

1 *injury because of the acquisition, he may offer such person*
2 *relocation advisory services under such program.*

3 *(b) Federal agencies administering programs which*
4 *may be of assistance to displaced persons covered by this Act*
5 *shall cooperate to the maximum extent feasible with the Fed-*
6 *eral or State agency causing the displacement to assure that*
7 *such displaced persons receive the maximum assistance avail-*
8 *able to them.*

9 *(c) Each relocation assistance advisory program re-*
10 *quired by subsection (a) of this section shall include such*
11 *measures, facilities, or services as may be necessary or appro-*
12 *priate in order to—*

13 *(1) determine the need, if any, of displaced per-*
14 *sons, for relocation assistance;*

15 *(2) provide current and continuing information on*
16 *the availability, prices, and rentals, of comparable decent,*
17 *safe, and sanitary sales and rental housing, and of com-*
18 *parable commercial properties and locations for displaced*
19 *businesses;*

20 *(3) assure that, within a reasonable period of time,*
21 *prior to displacement there will be available, to the ex-*
22 *tent that can reasonably be accomplished, in areas not*
23 *generally less desirable in regard to public utilities and*
24 *public and commercial facilities and at rents or prices*
25 *within the financial means of the families and individuals*

1 *displaced, decent, safe, and sanitary dwellings, as defined*
2 *by such Federal agency head, equal in number to the*
3 *number of and available to such displaced persons who*
4 *require such dwellings and reasonably accessible to their*
5 *places of employment;*

6 (4) *assist a displaced person displaced from his*
7 *business or farm operation in obtaining and becoming*
8 *established in a suitable replacement location;*

9 (5) *supply information concerning Federal and*
10 *State housing programs, disaster loan programs, and*
11 *other Federal or State programs offering assistance to*
12 *displaced persons; and*

13 (6) *provide other advisory services to displaced*
14 *persons in order to minimize hardships to such persons in*
15 *adjusting to relocation.*

16 (d) *The heads of Federal agencies shall coordinate*
17 *relocation activities with project work, and other planned or*
18 *proposed governmental actions in the community or nearby*
19 *areas which may affect the carrying out of relocation assist-*
20 *ance programs.*

21 *HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST*
22 *RESORT*

23 SEC. 206. (a) *If a Federal project cannot proceed to*
24 *actual construction because comparable replacement sale or*
25 *rental housing is not available, and the head of the Federal*

1 agency determines that such housing cannot otherwise be
2 made available he may take such action as is necessary or
3 appropriate to provide such housing by use of funds author-
4 ized for such project.

5 (b) No person shall be required to move from his dwell-
6 ing on or after the effective date of this title, on account of
7 any Federal project, unless the Federal agency head is satis-
8 fied that replacement housing, in accordance with section
9 205(c)(3), is available to such person.

10 STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT
11 TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

12 SEC. 207. Whenever real property is acquired by a State
13 agency and furnished as a required contribution incident to
14 a Federal program or project, the Federal agency having au-
15 thority over the program or project may not accept such
16 property unless such State agency has made all payments
17 and provided all assistance and assurances, as are required
18 of a State agency by sections 210 and 305 of this Act. Such
19 State agency shall pay the cost of such requirements in the
20 same manner and to the same extent as the real property
21 acquired for such project, except that in the case of any real
22 property acquisition or displacement occurring prior to
23 July 1, 1972, such Federal agency shall pay 100 per centum
24 of the first \$25,000 of the cost of providing such payments
25 and assistance.

1 *STATE ACTING AS AGENT FOR FEDERAL PROGRAM*

2 *SEC. 208. Whenever real property is acquired by a State*
3 *agency at the request of a Federal agency for a Federal pro-*
4 *gram or project, such acquisition shall, for the purposes of*
5 *this Act, be deemed an acquisition by the Federal agency*
6 *having authority over such program or project.*

7 *PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERN-*
8 *MENT OF THE DISTRICT OF COLUMBIA AND OF THE*
9 *WASHINGTON METROPOLITAN AREA TRANSIT AU-*
10 *THORITY*

11 *SEC. 209. Whenever real property is acquired by the*
12 *government of the District of Columbia or the Washington*
13 *Metropolitan Area Transit authority for a program or proj-*
14 *ect which is not subject to sections 210 and 211 of this title,*
15 *and such acquisition will result in the displacement of any*
16 *person on or after the effective date of this Act, the Com-*
17 *missioner of the District of Columbia or the Washington*
18 *Metropolitan Area Transit Authority, as the case may be,*
19 *shall make all relocation payments and provide all assistance*
20 *required of a Federal agency by this Act. Whenever real*
21 *property is acquired for such a program or project on or*
22 *after such effective date, such Commissioner or Authority,*
23 *as the case may be, shall make all payments and meet all*
24 *requirements prescribed for a Federal agency by title III*
25 *of this Act.*

1 *REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSIST-*
2 *ANCE IN FEDERALLY ASSISTED PROGRAMS; ASSUR-*
3 *ANCES OF AVAILABILITY OF HOUSING*

4 *SEC. 210. Notwithstanding any other law, the head of a*
5 *Federal agency shall not approve any grant to, or contract*
6 *or agreement with, a State agency, under which Federal*
7 *financial assistance will be available to pay all or part of*
8 *the cost of any program or project which will result in the*
9 *displacement of any person on or after the effective date of*
10 *this title, unless he receives satisfactory assurances from such*
11 *State agency that—*

12 *(1) fair and reasonable relocation payments and*
13 *assistance shall be provided to or for displaced persons,*
14 *as are required to be provided by a Federal agency under*
15 *sections 202, 203, and 204 of this title;*

16 *(2) relocation assistance programs offering the serv-*
17 *ices described in section 205 shall be provided to such*
18 *displaced persons;*

19 *(3) within a reasonable period of time prior to*
20 *displacement, decent, safe, and sanitary replacement*
21 *dwellings will be available to displaced persons in accord-*
22 *ance with section 205(c)(3).*

23 *FEDERAL SHARE OF COSTS*

24 *SEC. 211. (a) The cost to a State agency of providing*
25 *payments and assistance pursuant to sections 206, 210, 215,*

1 and 305, shall be included as part of the cost of a program
2 or project for which Federal financial assistance is available
3 to such State agency, and such State agency shall be eligible
4 for Federal financial assistance with respect to such payments
5 and assistance in the same manner and to the same extent as
6 other program or project costs, except that, notwithstanding
7 any other law in the case where the Federal financial assist-
8 ance is by grant or contribution the Federal agency shall pay
9 the full amount of the first \$25,000 of the cost to a State
10 agency of providing payments and assistance for a displaced
11 person under sections 206, 210, 215, and 305, on account of
12 any acquisition or displacement occurring prior to July 1,
13 1972, and in any case where such Federal financial assist-
14 ance is by loan, the Federal agency shall loan such State
15 agency the full amount of the first \$25,000 of such cost.

16 (b) No payment or assistance under section 210 or
17 305 shall be required or included as a program or project
18 cost under this section, if the displaced person receives a
19 payment required by the State law of eminent domain which
20 is determined by such Federal agency head to have substan-
21 tially the same purpose and effect as such payment under
22 this section, and to be part of the cost of the program or
23 project for which Federal financial assistance is available.

24 (c) Any grant to, or contract or agreement with, a
25 State agency executed before the effective date of this title,

1 under which Federal financial assistance is available to pay
2 all or part of the cost of any program or project which will
3 result in the displacement of any person on or after the ef-
4 fective date of this Act, shall be amended to include the
5 cost of providing payments and services under sections 210
6 and 305. If the head of a Federal agency determines that
7 it is necessary for the expeditious completion of a program
8 or project he may advance to the State agency the Federal
9 share of the cost of any payments or assistance by such State
10 agency pursuant to section 206, 210, 215, and 305.

11 ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS

12 RECEIVING FEDERAL FINANCIAL ASSISTANCE

13 SEC. 212. In order to prevent unnecessary expenses and
14 duplications of functions, and to promote uniform and effec-
15 tive administration of relocation assistance programs for dis-
16 placed persons under sections 206, 210, and 215 of this title,
17 a State agency may enter into contracts with any individual,
18 firm, association, or corporation for services in connection
19 with such programs, or may carry out its functions under this
20 title through any Federal or State governmental agency or
21 instrumentality having an established organization for con-
22 ducting relocation assistance programs. Such State agency
23 shall, in carrying out the relocation assistance activities de-
24 scribed in section 206, whenever practicable, utilize the services
25 of State or local housing agencies, or other agencies having

1 *experience in the administration or conduct of similar hous-*
2 *ing assistance activities.*

3 *REGULATIONS AND PROCEDURES*

4 *SEC. 213. (a) In order to promote uniform and effective*
5 *administration of relocation assistance and land acquisition*
6 *of State or local housing agencies, or other agencies having*
7 *programs or projects by Federal agencies or programs or*
8 *projects by State agencies receiving Federal financial assist-*
9 *ance, the heads of Federal agencies shall consult together on*
10 *the establishment of regulations and procedures for the imple-*
11 *mentation of such programs.*

12 *(b) The head of each Federal agency is authorized to*
13 *establish such regulations and procedures as he may deter-*
14 *mine to be necessary to assure—*

15 *(1) that the payments and assistance authorized by*
16 *this Act shall be administered in a manner which is fair*
17 *and reasonable, and as uniform as practicable;*

18 *(2) that a displaced person who makes proper ap-*
19 *plication for a payment authorized for such person by*
20 *this title shall be paid promptly after a move or, in*
21 *hardship cases, be paid in advance; and*

22 *(3) that any person aggrieved by a determination*
23 *as to eligibility for a payment authorized by this Act,*
24 *or the amount of a payment, may have his application*
25 *reviewed by the head of the Federal agency having*
26 *authority over the applicable program or project, or in*

the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) *The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.*

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made

1 to achieve such objectives in the various programs conducted
 2 or administered by such agency, and among the Federal
 3 agencies; (4) any indicated effects of such programs and
 4 policies on the public; and (5) any recommendations he
 5 may have for further improvements in relocation assistance
 6 and land acquisition programs, policies, and implementing
 7 laws and regulations.

8 PLANNING AND OTHER PRELIMINARY EXPENSES FOR
 9 ADDITIONAL HOUSING

10 SEC. 215. In order to encourage and facilitate the con-
 11 struction or rehabilitation of housing to meet the needs of
 12 displaced persons who are displaced from dwellings because
 13 of any Federal or Federal financially assisted project, the
 14 head of the Federal agency administering such project is
 15 authorized to make loans as a part of the cost of any such
 16 project, or to approve loans as a part of the cost of any such
 17 project receiving Federal financial assistance, to nonprofit,
 18 limited dividend, or cooperative organizations or to public
 19 bodies, for necessary and reasonable expenses, prior to con-
 20 struction, for planning and obtaining federally insured mort-
 21 gage financing for the rehabilitation or construction of hous-
 22 ing for such displaced persons. Notwithstanding the preced-
 23 ing sentence, or any other law, such loans shall be available
 24 for not to exceed 80 per centum of the reasonable costs ex-
 25 pected to be incurred in planning, and in obtaining financing

1 for, such housing, prior to the availability of such financing,
2 including, but not limited to, preliminary surveys and anal-
3 yses of market needs, preliminary site engineering, prelim-
4 inary architectural fees, site acquisition, application and
5 mortgage commitment fees, and construction loan fees and
6 discounts. Loans to an organization established for profit shall
7 bear interest at a market rate established by the head of such
8 Federal agency. All other loans shall be without interest.
9 Such Federal agency head shall require repayment of loans
10 made under this section, under such terms and conditions as
11 he may require, upon completion of the project or sooner,
12 and except in the case of a loan to an organization estab-
13 lished for profit, may cancel any part or all of a loan if he
14 determines that a permanent loan to finance the rehabilitation
15 or the construction of such housing cannot be obtained in an
16 amount adequate for repayment of such loan. Upon repay-
17 ment of any such loan, the Federal share of the sum repaid
18 shall be credited to the account from which such loan was
19 made, unless the Secretary of the Treasury determines that
20 such account is no longer in existence, in which case such
21 sum shall be returned to the Treasury and credited to miscel-
22 laneous receipts.

23 *PAYMENTS NOT TO BE CONSIDERED AS INCOME*

24 *SEC. 216. No payment received under this title shall be*
25 *considered as income for the purposes of the Internal Revenue*

1 *Code of 1954; or for the purposes of determining the eligi-*
2 *bility or the extent of eligibility of any person for assistance*
3 *under the Social Security Act or any other Federal law.*

4 *DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION,*
5 *AND DEMOLITION PROGRAMS RECEIVING FEDERAL*
6 *ASSISTANCE*

7 *SEC. 217. A person who moves or discontinues his busi-*
8 *ness, or moves other personal property, or moves from his*
9 *dwelling on or after the effective date of this Act, as a direct*
10 *result of any project or program which receives Federal*
11 *financial assistance under title I of the Housing Act of 1949,*
12 *as amended, or as a result of carrying out a comprehensive*
13 *city demonstration program under title I of the Demonstra-*
14 *tion Cities and Metropolitan Development Act of 1966 shall,*
15 *for the purposes of this title, be deemed to have been dis-*
16 *placed as the result of the acquisition of real property.*

17 *TRANSFERS OF SURPLUS PROPERTY*

18 *SEC. 218. The Administrator of General Services is*
19 *authorized to transfer to a State agency for the purpose of*
20 *providing replacement housing required by this title, any*
21 *real property surplus to the needs of the United States within*
22 *the meaning of the Federal Property and Administrative*
23 *Services Act of 1949, as amended. Such transfer shall be*
24 *subject to such terms and conditions as the Administrator*
25 *determines necessary to protect the interests of the United*

States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes", approved Oc-

1 tober 6, 1964 (78 Stat. 1004; Public Law 88-629; D.C.
2 Code 5-729).

3 (8) Section 404 of the Housing and Urban Develop-
4 ment Act of 1965 (42 U.S.C. 3074).

5 (9) Sections 107 (b) and (c) of the Demonstration
6 Cities and Metropolitan Development Act of 1966 (42
7 U.S.C. 3307).

8 (10) Chapter 5 of title 23, United States Code.

9 (11) Sections 32 and 33 of the Federal-Aid Highway
10 Act of 1968 (Public Law 90-495).

11 (b) Any rights or liabilities now existing under prior
12 Acts or portions thereof shall not be affected by the repeal
13 of such prior Acts or portions thereof under subsection (a)
14 of this section.

15 **EFFECTIVE DATE**

16 **SEC. 221.** (a) Except as provided in subsections (b)
17 and (c) of this section, this Act and the amendments made
18 by this Act shall take effect on the date of its enactment.

19 (b) Until July 1, 1972, sections 210 and 305 shall be
20 applicable to a State only to the extent that such State is able
21 under its laws to comply with such sections. After July 1,
22 1972, such sections shall be completely applicable to all
23 States.

24 (c) The repeals made by paragraphs (4), (5), (6),
25 (8), (9), (10), (11), and (12) of section 220(a) of this

1 *title and section 306 of title III shall not apply to any State*
2 *so long as sections 210 and 305 are not applicable in such*
3 *State.*

4 *TITLE III—UNIFORM REAL PROPERTY*
5 *ACQUISITION POLICY*

6 *UNIFORM POLICY ON REAL PROPERTY ACQUISITION*

7 *PRACTICES*

8 *SEC. 301. In order to encourage and expedite the acqui-*
9 *sition of real property by agreements with owners, to avoid*
10 *litigation and relieve congestion in the courts, to assure con-*
11 *sistent treatment for owners in the many Federal programs,*
12 *and to promote public confidence in Federal land acquisition*
13 *practices, heads of Federal agencies shall, to the greatest*
14 *extent practicable, be guided by the following policies:*

15 *(1) The head of a Federal agency shall make every*
16 *reasonable effort to acquire expeditiously real property by*
17 *negotiation.*

18 *(2) Real property shall be appraised before the initia-*
19 *tion of negotiations, and the owner or his designated repre-*
20 *sentative shall be given an opportunity to accompany the*
21 *appraiser during his inspection of the property.*

22 *(3) Before the initiation of negotiations for real prop-*
23 *erty, the head of the Federal agency concerned shall estab-*
24 *lish an amount which he believes to be just compensation*
25 *therefor and shall make a prompt offer to acquire the prop-*

erty for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

1 (5) *The construction or development of a public im-*
2 *provement shall be so scheduled that, to the greatest extent*
3 *practicable, no person lawfully occupying real property shall*
4 *be required to move from a dwelling (assuming a replace-*
5 *ment dwelling as required by title II will be available), or*
6 *to move his business or farm operation, without at least ninety*
7 *days' written notice from the head of the Federal agency*
8 *concerned, of the date by which such move is required.*

9 (6) *If the head of a Federal agency permits an owner*
10 *or tenant to occupy the real property acquired on a rental*
11 *basis for a short term or for a period subject to termination*
12 *by the Government on short notice, the amount of rent*
13 *required shall not exceed the fair rental value of the prop-*
14 *erty to a short-term occupier.*

15 (7) *In no event shall the head of a Federal agency*
16 *either advance the time of condemnation, or defer negotia-*
17 *tions or condemnation and the deposit of funds in court for*
18 *the use of the owner, or take any other action coercive in*
19 *nature, in order to compel an agreement on the price to be*
20 *paid for the property.*

21 (8) *If any interest in real property is to be acquired by*
22 *exercise of the power of eminent domain, the head of the*
23 *Federal agency concerned shall institute formal condemna-*
24 *tion proceedings. No Federal agency head shall intentionally*

1 make it necessary for an owner to institute legal proceed-
2 ings to prove the fact of the taking of his real property.

3 (9) If the acquisition of only part of a property would
4 leave its owner with an uneconomic remnant, the head of
5 the Federal agency concerned shall offer to acquire the
6 entire property.

7 BUILDINGS, STRUCTURES, AND IMPROVEMENTS

8 SEC. 302. (a) Notwithstanding any other provision of
9 law, if the head of a Federal agency acquires any interest in
10 real property in any State, he shall acquire at least an equal
11 interest in all buildings, structures, or other improvements
12 located upon the real property so acquired and which he re-
13 quires to be removed from such real property or which he
14 determines will be adversely affected by the use to which
15 such real property will be put.

16 (b)(1) For the purpose of determining the just com-
17 pensation to be paid for any building, structure, or other
18 improvement required to be acquired by subsection (a) of
19 this section, such building, structure, or other improvement
20 shall be deemed to be a part of the real property to be
21 acquired notwithstanding the right or obligation of a tenant,
22 as against the owner of any other interest in the real prop-
23 erty, to remove such building, structure, or improvement at
24 the expiration of his term, and the fair market value which

1 such building, structure, or improvement contributes to the
 2 fair market value of the real property to be acquired, or the
 3 fair market value of such building, structure, or improvement
 4 for removal from the real property, whichever is the greater,
 5 shall be paid to the tenant therefor.

6 (2) Payment under this subsection shall not result in
 7 duplication of any payments otherwise authorized by law.
 8 No such payment shall be made unless the owner of the
 9 land involved disclaims all interest in the improvements of
 10 the tenant. In consideration for any such payment, the tenant
 11 shall assign, transfer, and release to the United States all his
 12 right, title, and interest in and to such improvements. Noth-
 13 ing in this subsection shall be construed to deprive the tenant
 14 of any rights to reject payment under this subsection and to
 15 obtain payment for such property interests in accordance
 16 with applicable law, other than this subsection.

17 *EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO*

18 *UNITED STATES*

19 *SEC. 303. The head of a Federal agency, as soon as*
 20 *practicable after the date of payment of the purchase price*
 21 *or the date of deposit in court of funds to satisfy the award*
 22 *of compensation in a condemnation proceeding to acquire*
 23 *real property, whichever is the earlier, shall reimburse the*
 24 *owner, to the extent the head of such agency deems fair and*
 25 *reasonable, for expenses he necessarily incurred for—*

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency

1 for whose benefit the condemnation proceedings was in-
2 stituted.

3 (c) The court rendering a judgment for the plaintiff in
4 a proceeding brought under section 1346(a)(2) or 1491 of
5 title 28, United States Code, awarding compensation for
6 the taking of property by a Federal agency, or the Attorney
7 General effecting a settlement of any such proceeding, shall
8 determine and award or allow to such plaintiff, as a part of
9 such judgment or settlement, such sum as will in the opinion
10 of the court or the Attorney General reimburse such plaintiff
11 for his reasonable costs, disbursements, and expenses, includ-
12 ing reasonable attorney, appraisal, and engineering fees,
13 actually incurred because of such proceeding.

14 REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLI-
15 CIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANS-
16 FER OF REAL PROPERTY TO STATE; PAYMENT OF
17 LITIGATION EXPENSES IN CERTAIN CASES

18 SEC. 305. Notwithstanding any other law, the head of
19 a Federal agency shall not approve any program or project
20 or any grant to, or contract or agreement with, a State
21 agency under which Federal financial assistance will be avail-
22 able to pay all or part of the cost of any program or project
23 which will result in the acquisition of real property on and
24 after the effective date of this title, unless he receives satis-
25 factory assurances from such State agency that—

1 (1) in acquiring real property it will be guided, to
2 the greatest extent practicable under State law, by the
3 land acquisition policies in section 301 and the provi-
4 sions of section 302, and

5 (2) property owners will be paid or reimbursed for
6 necessary expenses as specified in sections 303 and 304.

7 REPEALS

8 SEC. 306. Sections 401, 402, and 403 of the Housing
9 and Urban Development Act of 1965 (42 U.S.C. 3071-
10 3073), section 35(a) of the Federal-Aid Highway Act
11 of 1968 (23 U.S.C. 141) and section 301 of the Land
12 Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby
13 repealed. Any rights or liabilities now existing under prior
14 Acts or portions thereof shall not be affected by the repeal of
15 such prior Act or portions thereof under this section.

Passed the Senate October 27, 1969.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

OCTOBER 28, 1969

Referred to the Committee on Public Works

DECEMBER 2, 1970

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Dec. 7, 1970

HOUSE

2. BILLS PASSED.

S. 1079, consenting to the Susquehanna River Basin compact. This bill now goes to the President. pp. H11150-64

H.R. 19402, authorizing the acceptance of gifts for the National Agricultural Library. pp. H11149-50

The following were passed under suspension of the rules:

S. 437, relating to survivor annuities under the civil service retirement program; agreed to an amendment in the nature of a substitute. pp. H11185-9

H.R. 19877, an omnibus rivers, harbors, and flood control bill. pp. H11189-206

H.R. 19846 with amendment, proposed animal welfare bill. pp. H11206-12

H.R. 17582, amending peanut marketing quota provisions. pp. H11213-4

S. 1, with amendment, providing relocation assistance and establishing equitable land acquisition policies. pp. H11216-25

H.R. 15188, amended, providing a criminal penalty for shooting at certain animals from an aircraft. pp. H11257-9

H.R. 17436, with amendment, providing for a National Environmental Data System. pp. H11259-62

H.R. 19576, amended, establishing the National Advisory Committee on the Oceans and Atmosphere. pp. H11262-4

3. TARIFFS. Committee on Ways and Means reported with amendment, H.R. 7626, amending the Tariff Schedules with respect to the tariff classification of certain sugars, sirups, and molasses (H. Rept. 91-1674). p, H11298

4. HIGHWAY CONSTRUCTION. Vacated previous action of passing and laying on the table of H.R. 19504; subsequently repassed bill. pp. H11147

5. FOREIGN TRADE. Rep. Findley warned of possible retaliation against soybean exports if trade bill passes. pp. H11285-6

6. CHARLES B. SHUMAN. Rep. Findley paid tribute to Mr. Charles B. Shuman upon his retirement as President of the American Farm Bureau Federation. p. H11286

7. REP. POAGE. Rep. Cabell joined in honoring Chairman Poage upon the announcement of the building of the "Bob Poage Land Technology Center" on the Texas State Technical Institute campus in Waco, Texas. pp. H11286

SENATE

8. APPROPRIATIONS; WATER BANK ACT; WILDLIFE & WATER FOWL. Passed without amendment and cleared for the President:

H.R. 19830, FY 1971 Appropriations for HUD; and

H.R. 15770, to preserve and improve wildlife habitat (Water Bank Act). pp. S19521-59; S19485-6

consolidation and more economic use of maintenance and support services.

Mr. Speaker, no expenditure of Federal funds would be required by the enactment of S. 4187. The exchange finally agreed on is to be evenhanded insofar as land values are concerned. Both the Department of the Army and the State of Hawaii favor the bill's enactment. The Senate passed it without any dissent. I urge that the House also give its quick and overwhelming approval to this mutually beneficial legislation.

The SPEAKER. The question is on the motion of the gentleman from Florida (Mr. BENNETT) that the House suspend the rules and pass the bill S. 4187.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 230) extending the duration of copyright protection in certain cases.

The Clerk read as follows:

S. J. RES. 230

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the terms thereof as extended by Public Law 87-668, by Public Law 89-442, by Public Law 90-141, by Public Law 90-416, or by Public Law 91-147 (or by all or certain of said laws), would expire prior to December 31, 1971, such term is hereby continued until December 31, 1971.

The SPEAKER. Is a second demanded?

Mr. HUTCHINSON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, will the gentleman yield to me?

Mr. CELLER. I yield to the gentleman from Michigan.

Mr. DINGELL. I have some questions to ask the chairman of the committee about this.

Will the gentleman from New York explain the function of this bill, please, to the House?

Mr. CELLER. This bill is similar to a bill passed in the last Congress extending copyright for those whose renewal terms were expiring. The House passed in the last Congress a comprehensive copyright revision which went to the Senate, but unfortunately, was not acted upon in time. That was due to a controversy that arose because of differences largely concerning community antenna television. Because of the differences the copyright code languished in the Senate and was not passed. Because thereof we in the last Congress extended the copyrights for 1 year pending the action of the Senate.

Now, I am told that the chairman of the subcommittee having jurisdiction over copyrights, patents, and trademarks

of the Senate Judiciary Committee will in the next Congress prepare—and he has expressed the hope and belief that most of the difficulties if not all of the difficulties that arose concerning CATV will have been resolved and that they will be able to complete their task and have passed the copyright revision in about the manner in which we have passed it in the last Congress.

Meanwhile, between the time we passed the bill last year extending copyrights and the time that the Senate will act, there will be a number of copyrights in their renewal term which will expire. Many other copyrights will be protected by the new bill that the other body undoubtedly will pass. So, in order not to create discrimination among copyright holders we are asking that the copyrights be extended for the period of another year.

Mr. Speaker, there is no cost to the Government. It is only a matter of equity and justice that this is done.

Mr. DINGELL. Mr. Speaker, if the gentleman will yield further, I would like to ask the gentleman what is the oldest copyright under this bill that would be extended?

Mr. CELLER. What is the what?

Mr. DINGELL. What is the oldest copyright that would be extended under Senate Joint Resolution 230?

Mr. CELLER. I think it is about 64 years.

Mr. DINGELL. Four years?

Mr. CELLER. No.

Mr. DINGELL. I would say to the gentleman that it would be more like about 40 years.

Mr. CELLER. The present copyright law, as the gentleman knows, is for 28 years and then there is an extension permitting another 28 years.

Mr. DINGELL. So, that is a total of 56 years?

Mr. CELLER. Fifty-six years; yes.

Mr. DINGELL. But, we are extending it 56 years, plus how much in addition thereto? There have been several extensions. This will be more like 60-something years, will it not?

Mr. CELLER. This is only for 1 year.

Mr. DINGELL. The oldest copyright would be older than 56 years. How old is the oldest copyright we would be extending through the passage of this particular piece of legislation?

Mr. CELLER. Extensions have totaled 8 years, a total of 64. I think this is the sixth extension.

Mr. DINGELL. The sixth extension? Six 1-year or 2-year extensions?

Mr. CELLER. No, that would be 6 years added; actually, there were eight.

Mr. DINGELL. Six years added to the 56 years, making a total of 62 years?

Mr. CELLER. Yes.

Mr. DINGELL. That is the number of years I would suggest to the gentleman from New York that the copyright laws would be extended.

Mr. CELLER. That is right. The recent bill that we passed; that is, the bill that was passed in the last Congress provided copyright protection for new copyrights for a term of the life of the owner of the copyright, plus 50 years after death.

Mr. DINGELL. How many more times are we going to have these copyright bills before us?

Mr. CELLER. I have told those in the other body who are responsible for passing this very bill that we are now considering that I would under no circumstances renew this copyright provision, but that they must pass the comprehensive compromise code, otherwise there would be no more extensions. This is the last extension.

Mr. DINGELL. I am happy to hear the gentleman say that because every year we have a bill or resolution for the extension of copyrights and usually at the request of the same people. I think it is about time that the House quit extending these copyright laws.

Mr. CELLER. I am in thorough accord with the gentleman's point of view in that respect.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HUTCHINSON asked and was given permission to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, I rise in support of Senate Joint Resolution 230.

This resolution would continue until December 31, 1971, the renewal term of any copyright which would otherwise expire prior thereto.

Under present law a copyright is granted for 28 years, renewable for another 28 years, or a total of 56 years.

Senate Joint Resolution 230 would provide an interim extension of the renewal term of all copyrights so that no copyright would expire in calendar 1971. This type of extension has been granted on five previous occasions, the first of which was in 1962.

These extensions have been granted over the years because, during this period, the Congress has been working on a major revision of the copyright law which would substantially extend the term of copyrights. The House passed such a general revision in 1967; the matter is now pending in the other body.

The latest version, S. 543, would extend existing copyrights 19 years, giving them a life of 75 years. Copyrights having their inception subsequent to passage of the new law would enjoy a term of the life of the author plus 50 years.

Those portions of S. 543 containing the extension of existing copyrights to 75 years are not in dispute. The only matter holding up this bill is a series of questions concerning cable TV, which are wholly unrelated to the copyright terms. When the general copyright revision legislation is passed, as it inevitably will be—and I hope that this will be early in the next Congress—it will unquestionably include the provision extending existing copyrights to 75 years.

To fail to provide for an interim extension at this time would cause thousands of copyright holders to lose their copyrights simply because the other body cannot resolve an unrelated issue.

Mr. Speaker, I urge adoption of Senate Joint Resolution 230.

The SPEAKER. The question is on the motion of the gentleman from New York (Mr. CELLER) that the House suspend the

rules and pass the Senate joint resolution (S.J. Res. 230).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

AMENDMENT TO FOREIGN SERVICE BUILDINGS ACT, 1926

Mr. HAYS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 18012) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

The Clerk read as follows:

H.R. 18012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f) (2) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(f) (2)), is amended—

(1) by striking out "and" and inserting in lieu thereof a comma; and

(2) by inserting immediately before the period at the end thereof a comma and the following: "not to exceed \$15,000,000 for the fiscal year 1972, and not to exceed \$15,900,000 for the fiscal year 1973".

The SPEAKER. Is a second demanded?

Mr. ADAIR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HAYS asked and was given permission to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, this is a bill that is reported every 2 years by the Committee on Foreign Affairs. In order that the House may understand it, I am enumerating the principal features and the reasons why the committee believes this bill to be important.

The authorization is for the operating account that covers the maintenance, repair, operation, and equipment of buildings overseas. It also includes rent payments for properties leased for more than 10 years.

It does not authorize money for the acquisition of any buildings. Such acquisitions would come out of the capital account for which no authorization is requested.

The properties are used by many agencies of Government other than the Department of State.

Other agencies reimburse FSO for building operating expenses such as utilities, cleaning services, et cetera. State pays for all improvements and repairs.

Authorizations in the 1968 law were \$13,500,000 for fiscal year 1970 and \$14,300,000 for fiscal year 1971.

Authorizations in this bill are \$15,000,000 for fiscal year 1972 and \$15,900,000 for fiscal year 1973.

Experience shows that costs of goods and services increase about 6 percent per year.

United States held properties overseas originally cost about \$270 million. They are now estimated to be worth more than twice that amount. The appropriation made pursuant to the authorization in

this bill will enable the Department to maintain our valuable properties in the best possible condition.

Mr. ADAIR. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ADAIR asked and was given permission to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, I rise today in support of H.R. 18012, to amend the Foreign Service Buildings Act.

In my opinion the authorization of an appropriation not to exceed \$15 million for fiscal year 1972 and \$15,900,000 for fiscal year 1973 is reasonable and well justified.

These sums are needed for the operation and maintenance of U.S. buildings abroad that come under the jurisdiction of the Office of Foreign Buildings of the Department of State.

As noted in the committee report, no funds are authorized in this bill for the purchase, construction, or leasing of office buildings, residences, and other structures abroad.

While the amounts requested for operation and maintenance of U.S. buildings abroad in fiscal year 1972 and fiscal year 1973 are slightly higher than for the 2 preceding years, they reflect only the unavoidable worldwide increases for wages and prices averaging 6 percent.

This legislation is necessary if we are to properly maintain and operate the valuable property of the United States abroad.

I urge passage of H.R. 18012.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS) that the House suspend the rules and pass the bill H.R. 18012.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. EDMONDSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, as amended.

The Clerk read as follows:

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

TITLE I—GENERAL PROVISIONS

SEC. 1. As used in this Act—

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Archi-

tect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act (moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, and processing or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202 (a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

FINALITY OF DETERMINATIONS

SEC. 102. (a) Any determination by the head of a Federal agency administering a program or project as to payments under titles II and III of this Act shall be final and no provision of such titles shall be construed to give any person a cause of action in any court, nor may any violation of either of such titles be raised as a defense by such person in any action.

(b) The provisions of section 301 of title III of this Act create no rights or liabilities

and shall not affect the validity of any property acquisitions by purchase or condemnation.

(c) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$300; and a dislocation allowance of \$200.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head

of the Federal agency shall make an additional payment not in excess of \$15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for

acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed \$4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203 (a) (1) (C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall co-

ordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL CO-OPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of State agency by section 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first \$25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE IN FEDERALLY ASSISTED PROGRAMS; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first \$25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally in-

sured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the

construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7) (b) (iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes," approved October 6, 1964 (78 Stat. 1004; Public Law 88-629; D.C. Code 5-729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90-495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many

Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of evaluation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal

agency concerned shall offer to acquire the entire property.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for those benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

The SPEAKER. Is a second demanded?

Mr. CLEVELAND. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. EDMONDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, which is the result of almost 10 years of work by the House Committee on Public Works will, when passed, be a memorial to one of the best-loved former Members of the House of Representatives, the Honorable Clifford Davis of Tennessee, who led the study for several years as chairman of the select committee which first dealt with this problem. We have long been concerned by lack of uniformity and lack of equity in the treatment of persons displaced from their homes by Federal land acquisitions or by State and local land acquisitions that are assisted by Federal grants.

The bill is a very complex bill, basically intended to assure that no family or individual now owning their own home should be left without a home owned by them as a result of Federal acquisitions

through any lack of fairness or equity in the acquisition procedures. It is also intended to assure that no tenant of any home is left in a worsened condition as a result of Federal acquisition policies, and to give to tenants who are displaced by Federal acquisition or by federally aided acquisitions an opportunity to acquire a home with Federal assistance in that operation and, third, to improve considerably opportunities for relocation and a new start for business and farm operators who are impacted by Federal land acquisition or federally assisted land acquisition programs.

There are many phases of this program on which we would be pleased to answer questions if desired.

I think that we have tried to establish an equitable and a fair system to proceed with uniformity in our various Federal land acquisition programs, and we have called for a series of four annual reports by the departments that are engaged with implementing this program to assure careful oversight by the Congress.

I do not want to omit mentioning at this time the great staff job that was done on this bill by members of the staff of the Committee on Public Works and particularly by a former staff member named Henry Krevor, who has literally lived with this problem and proposals to correct it for almost 10 years.

I also want to compliment the many Members of the Congress who appeared and testified for this bill, the honorable Member from Florida (Mr. BENNETT), the gentleman from Alabama (Mr. BEVILL), the gentleman from Colorado (Mr. BROTZMAN), the gentleman from California (Mr. COHELAN), the gentleman from California (Mr. CORMAN), my colleague from Oklahoma, TOM STEED, and a number of other Members of the Congress who gave to us excellent suggestions and guidance during the extensive hearings that were held on this bill.

At this point, Mr. Speaker, I would yield such time as he may consume to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, while compliments are being passed out I think that the gentleman from Oklahoma (Mr. EDMONDSON) is fully entitled to the compliments of the House for the work that he himself has done on this bill in bringing it to the floor of the House and making possible its passage.

It is nothing more than a simple act of justice to the American people. Those who oppose Government subsidies to private individuals should also oppose private individual subsidies to the Government when it builds highways or other public works.

So again I commend the gentleman from Oklahoma for this simple act of justice to the American people.

Mr. EDMONDSON. I thank the gentleman very much.

Mr. Speaker, I ask unanimous consent that the chairman of the Committee on Public Works, the gentleman from Maryland (Mr. FALLON), and the chairman of the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), may extend their remarks in connection with this bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FALLON. Mr. Speaker, I rise in support of S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Affirmative action by the House today will provide the climax of some 9 years of intensive work on the legislation which began when in October of 1961 there was created in the Committee on Public Works a Select Subcommittee on Real Property Acquisition for the specific purpose of providing a comprehensive appraisal of the impact of Federal and federally assisted programs on displaced persons and property owners.

The hearings and report of that subcommittee were the impetus and the cornerstone of the legislation we are considering today.

S. 1 has passed the other body on several occasions. The lateness of the session in previous years has prevented action by the House on this matter but today we have the opportunity to provide the groundwork that will establish a much needed basic program of relocation payments, advisory assistance, decent, safe, and sanitary replacement housing and a uniform policy on real property acquisition practices for all Federal and federally assisted programs. This is worthwhile legislation and this is needed legislation. It will give every citizen in the country an opportunity to get fair and equitable treatment from the Federal Government whenever any one of the many of the Federal grant or federally assisted programs move in to replace persons' homes, apartment dwellings, or acquire their property.

Let me conclude by thanking all the members of the committee who worked so diligently on this legislation and in particular the gentleman from Illinois (Mr. KLUCZYNSKI), and the gentleman from Oklahoma (Mr. EDMONDSON). I might also add that this legislation is another tribute to my dear friend, the late Representative from Tennessee, Clifford Davis, who chaired the 1961 Select Subcommittee on Real Property Acquisition. It is also a tribute to the fine work of the chief counsel of that select subcommittee, Henry Krevor, who also provided invaluable assistance to the committee on its work on the present bill.

Mr. KLUCZYNSKI. Mr. Speaker, as one who has been keenly interested in the need for fair practices by the Federal Government in connection with its policy of acquiring real property or displacing and moving owners or tenants from their property, I am proud to rise in support of S. 1.

I chaired the majority of the hearings held on this legislation this year and I know from the testimony received by the committee from private, State, and Federal witnesses of the need for this legislation.

S. 1 is a major breakthrough in the field of providing fair treatment to all our citizens. In years to come it will be the basis for establishing for the first time across the board within the Federal Government a sound and progressive program to take care of both in a advisory capacity and in an actual finan-

cial capacity those many, many fellow citizens of ours who through no fault of their own are forced to move from their own homes or apartments and give up real property they have held for years because of one or another Federal program. This legislation will indeed prove to be invaluable in giving these people the help they so badly need when they are forced to relocate, move, or give up property. I am particularly pleased to note because of my interest in small business legislation and as chairman of one of the subcommittees of the Small Business Committee, how well the small business owners and the "mom and pop" stores are helped by this legislation. This legislation will also be of tremendous benefit to the residents of my home city, the great city of Chicago, and I know it has the enthusiastic support of my mayor, Richard Daley and our commissioner for public works, Milton Pikarsky.

I would like to thank all those who through the years have worked diligently on this legislation and in particular may I acknowledge the fine leadership of our chairman, the Honorable GEORGE H. FALLON, who has supported and has seen the need for this legislation over the years.

I will conclude by commending the original members of the select subcommittee who held the first hearings on this legislation in 1961 and in particular the chairman of the select subcommittee, my old and great friend, the late Clif Davis, of Tennessee. My thanks to the staff for the many hours of work on this legislation and I would particularly thank Henry Krevor, the former chief counsel of the select subcommittee, for his work during those days and his work on the parent legislation.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members of the House wishing to do so may extend their remarks in connection with the pending bill.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to my good friend, the gentleman from Missouri, who has also been a strong champion of this legislation for a number of years and has been one who has urged the expedition of action in the committee on it and who has supplied to us many useful suggestions in regard to this legislation.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's remarks.

Mr. Speaker, I would only say that my attempts to write a land acquisition bill to update the policies comes about as a result of much land taking, if not grabbing and harassing and exercising of private owners in the congressional district that I am privileged to represent.

Because of the great impoundments of rivers there by the Corps of Engineers we have become particularly experienced about these grabs—and that is my first question.

Does this involve the Corps of Engi-

neers land taking for Federal purposes such as flood control and power generation or other purposes?

Mr. EDMONDSON. I can assure the gentleman that it does and the new policies will be effective upon enactment of the legislation.

Mr. HALL. Second, I found that the Committee on Public Works had several years ago caused hearings to be held on our land acquisition policies and that the report was an excellent one but that it had lain dormant for a Congress or two, and the land acquisition bill that I devised after much research and reading was predicated upon those hearings and my testimony before the subcommittee of the gentleman was predicated on that. There is no question but what our present land acquisition policy states that there will be a willing seller and that there should not be harassment and entrapment or fear.

Can the gentleman assure me whether or not there is a willing seller that will be offset by the relocation policies in this bill by a fair-market-value determination and is there anything specifically herein to prevent leapfrogging or checkerboarding or acquisition of land around a particular person without the right of appraisal, or are they going to be placed at the mercy of a peer of jurors of the Federal Court in order to protect the owners' own holdings in spite of the law of eminent domain?

Mr. EDMONDSON. I assure the gentleman that everything the committee could do to safeguard the rights of the landowner or the business owner in connection with land taking has been done.

Furthermore we have established in the law the principle that the Government can no longer come in and offer to a landowner a price far below the appraisal that they have themselves determined as fair market value price for the property.

The law requires now that the offer they make for the property must be at least the amount of the appraisal figure that they have as the value for the land. This will put to an end for all time to the practice some agencies have been unfortunately guilty or, taking advantage of the uneducated and inexperienced landowner who is willing to cooperate with the Government and to give them the property at the price that is first offered by the Government.

We now assure by law that they cannot make that first offer below the appraisal figure that they have in determining the value of the land.

Mr. HALL. Mr. Speaker, this would void an agency of the Government subcontracting for land acquisition to those who mark up brownie points by making the best deal for the Government, instead of necessarily the best deal for the individual landowner; is that correct?

Mr. EDMONDSON. It certainly would do that.

Mr. HALL. One final question, and then I shall yield the floor. The gentleman knows that in my original bill, which had to be fragmented in its reference and then was corrected in a subsequent bill, there was special treatment of capital gain taxation. Does this bill

contain any manner or means of handling capital gains where there was very little markup because of inheritance or otherwise, or is it all handled by protection of those who would reinvest, who hold the profits for business, or who buy property held by a former owner for investment?

Mr. EDMONDSON. I share the interest of the gentleman in that particular question, and it is my impression that the committee feeling was that we did not have the jurisdiction to get into the tax field with regard to this particular bill. We were not able to take care of that particular item for that reason.

I yield to the gentleman from New Hampshire if he wants to elaborate upon that.

Mr. CLEVELAND. Not on that last point, but I have a comment to make on the second question raised by the gentleman from Missouri.

Mr. EDMONDSON. Will the gentleman from Missouri yield to the gentleman from New Hampshire for that purpose?

Mr. HALL. The time is yours; of course.

Mr. EDMONDSON. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Just one comment. I thank the gentleman for yielding. This bill has been the product of a bipartisan effort. Many Members, like the gentleman from Missouri, who have been particularly concerned about this problem, have introduced legislation to correct it. As a result, the Committee on Public Works has borrowed very heavily from not only the majority staff and minority staff but also Members of the House who have had these problems before them.

I might say to the gentleman from Missouri that the relocation expenses are not treated as taxable income.

I would like particularly to address myself to the remarks of the gentleman from Missouri about the possibility of coercion. I refer to page 66 of the bill, section (3) of title III. You will note the following language:

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property.

Again on page 68 the following language appears in section (7):

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

I think that these sections of the bill make very clear the congressional intent to meet the problems that the gentleman from Missouri has so helpfully called to our attention. I think you will find on examination that fairness has been the hallmark of this legislative effort, and it runs through all sections of the bill.

Mr. Speaker, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is a long-overdue move. All Americans deserve fair and equitable treatment when their homes, businesses, or farms, are taken for public purposes. This was not always the serious problem it is today. In earlier times, there was relatively little taking of residential or commercial property in Federal or federally assisted programs, providing farm-to-market routes, the construction of reservoirs, or public buildings. Because of the popularity of such programs, local support often resulted in little if any cost for lands or rights-of-way taken.

In recent years, however, our economy has expanded tremendously. Our population is increasingly centered in urban areas. At the same time the demand for public facilities and services has grown at an escalating rate. Where major public projects have been undertaken, therefore, whether for highways, urban renewal, or hospitals, the acquisition and clearance of sites has involved the taking of residential and commercial properties and a large displacement of the people who owned, lived, and worked on them. In rural areas the results have been severe. In urban areas, the results have been catastrophic.

The real root of the problem is that traditional concepts of evaluation and eminent domain have proved inadequate. In recognition of this fact, the Congress, in the Federal Aid Highway Act of 1968, provided a more fair and equitable system of relocation payments for both property owners and tenants displaced by that program.

The bill we are considering today will make such provisions applicable for all Federal and federally assisted programs which cause the displacement of people. It provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, and economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business.

Section 218 relates to a special problem facing displaced persons when land for replacement housing is unavailable. Such is often the case when the Federal Government is a major landowner. I am very familiar with the practical problems which result from this, because of my experience with the White Mountains National Forest. I know many other Members have faced similar problems. In these areas, where the Government is a major landowner, a person displaced by a new road or dam often finds that there is no land in his community which he can buy for a new home. As a result, though

he is paid money for his land, it does him no real good—there is simply no land available upon which he can relocate or buy. It is to meet this type of problem that section 28 was drafted. This provision authorizes the transfer of surplus Federal property to State agencies for the purpose of providing replacement housing as required by this bill where such land is otherwise unavailable. Now, in actual practice, the amount of land made available will be very small, only enough to provide replacement housing. This is no raid on Federal landholdings. But it will relieve the severe hardship on those forced to move because of a Federal or federally assisted project where the Government has surplus land available to transfer.

In many parts of New Hampshire, especially in the White Mountains National Forest, most of the land is Government owned. In addition, the forest is on a land-acquisition program which is buying up additional land as it becomes available. So, in such a case, if a new road goes through a person's home, if there is no private land available, and surplus Federal land is, fairness dictates the Federal Government should have to yield enough to allow that person to stay in the community.

Mr. Speaker, for the above reasons, I urge House approval of this just and equitable measure. It is long overdue, and needed.

Mr. EDMONDSON. I thank the gentleman for his comments in that regard. I thank again the gentleman from Missouri for his comments.

Mr. HALL. Mr. Speaker, I thank the gentleman for yielding. I would simply point out that, until such time as we devise a way to treat the gain of inherited property on maybe second, third, or even fourth-generation property with the proper capital gains, I doubt, whether it is within the jurisdiction of this committee or not, we will have solved the total problem of coercion, harassment, or excessive landtaking by a Federal Government that now owns over 34 percent of the land in the United States which less than 105 years ago we were devising ways under the Homestead Acts to give back to the people.

I thank the gentleman.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I thank the gentleman for yielding. In this bill we talk about some of the inequities that have been forced on individuals by the administrative departments, and I would not want to let this opportunity pass without pointing out some of the injury which the Congress itself imposes in land acquisition propositions when we continually authorize projects of various kinds, such as park and recreation areas, without appropriating funds to implement them, and then literally tying the hands and capabilities of property owners for years, until the Congress—not the administrative agencies—takes care of the proposition.

I think this is a good moment to try

to point out that this body is at times—and quite frequently, I add—guilty of doing just that. Therefore, we, too, must be conscious of this business of protecting the rights of the individual property owners, as well as reminding the administrative departments of their responsibilities.

Mr. EDMONDSON. Mr. Speaker, I thank the gentleman from Iowa for his observations.

Mr. COHELAN. Mr. Speaker, it is with pleasure and satisfaction that I rise today to support S. 1, a bill that will provide uniform and equitable treatment for all persons displaced from their homes, businesses, or farms by a federally assisted project. For many years I have been vitally interested in this type of legislation. Two years ago, I introduced H.R. 386 in the 90th Congress. At that time, I said that several extensive studies including the relocation report of the Advisory Commission on Intergovernmental Relations and hearings before House and Senate committees had documented, beyond question, the increasing size in inequities of Government-caused displacement of persons and businesses. The compensation assistance is unequal, inadequate, and causes extraordinary burdens for the elderly, the poor, and our minority citizens.

The situation existing at that time is still with us today but its effect has been magnified. It is estimated that within the next 10 years over 1 million households, 180,000 businesses, and 40,000 farms will be forced to relocate. The burden of this displacement falls most heavily on the elderly, the poor, and the underprivileged groups, which increasingly inhabit our central cities. For them the absence of adequate housing near jobs at prices they can afford is particularly severe.

We must also note that not only does the burden of relocating constitute an extreme hardship to these people but also that most of the relocation takes place in the central city—the very area that these people inhabit. In effect, our Federal and federally assisted urban and rural improvement program commonly presents us with a tragic paradox. We want to improve the lives and surroundings of our people and so we push ahead with urban renewal, mass transit, and highways; yet many of those who need to benefit most from these programs actually suffer the most. With this bill we can do much better.

There, of course, have been relocation assistance programs in operation. These have been conflicting programs, however, and S. 1 gives us the opportunity to establish a uniform Federal standard applicable to all Federal and federally assisted projects. This past year in the 91st Congress, I introduced H.R. 14965. This bill, a uniform relocation measure, was similar to S. 1 but included provisions which would have extended the benefits for those persons displaced primarily from older but substantial and adequate homes. I am very pleased to note that a number of the provisions in H.R. 14965 have been adopted in modified form in the House version of S. 1, which is before us today.

One of the things we must recognize is that under the traditional concepts of eminent domain the value paid on a piece of condemned property is equal to its market value. Very often a property that is sound and adequate is often undervalued due to its location in a semi-industrial zoned area—for instance, in such cases a house may have a legitimate market value of \$7,000 to \$10,000. This, of course, is far less than what would be needed to purchase a home of comparable size and convenience in another area of the city. Under the bill being considered today, section 203 provides additional payments to cover such circumstances. The authorized supplemental payment will not exceed \$15,000 under this measure. While the \$15,000 supplemental will not bridge the gap between the eminent domain market value standard and the actual reasonable cost which a displaced homeowner must pay for a comparable dwelling it goes far in that direction.

I must commend the Committee on Public Works for passing out an exceptional and far-reaching piece of important legislation. And I strongly urge that this measure be accepted by the House.

Mrs. MINK. Mr. Speaker, I rise in support of S. 1, legislation to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for such programs.

My interest in this bill particularly concerns several projects in Hawaii where Federal land is being acquired by the State under federally assisted programs. These are the John Rodgers and Manana veterans housing areas. I am hopeful that this bill will help persons affected by these transactions receive fair and equitable payment and/or relocation assistance.

When the John Rodgers property, formerly owned by the Navy but being acquired by the State for expansion of Honolulu International Airport, is conveyed, the displacing agency will be the State Department of Transportation. The second project involves the sale of land to the Hawaii Housing Authority of 5.5 acres for housing developments and conveyance of the remaining 14.7 acres to the State for low-rent public housing purposes.

This legislation provides a humanitarian program of relocation payments, advisory assistance, assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement, economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. The need for such legislation has long been apparent as mushrooming Federal programs have ousted thousands from their homes with no uniform guarantee of proper compensation or treatment.

In view of the importance of this bill to Hawaii and our other States, I strongly urge its adoption.

Mr. JOHNSON of California. Mr. Speaker, some 9 years ago, the House of

Representatives established a Select Committee on Real Property Acquisition, chaired by that distinguished gentleman from Tennessee, the late Judge Clifford Davis. I was privileged to serve on that select committee.

Over a period of more than 3 years, the committee traveled throughout the Nation, from the heart of redevelopment areas in Boston to the mountains of California, holding hearings and uncovering vast inequities in the acquisition programs of the various Federal agencies.

We found not only a lack of uniformity among the agencies, but also uncovered serious cases of discrimination and abuse of power by acquisition officials representing the Federal Government. After the committee completed its work in 1965, I introduced an omnibus bill incorporating the numerous recommendations made by the committee in its final report.

Since that first introduction, we have worked on several proposals, refining them, improving them, modifying them until we have before us today the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which, in the words of House Report 91-1656 is "the culmination of lengthy and extensive efforts to develop legislation establishing a uniform policy for the fair and equitable treatment of persons who are displaced or have their real property taken for Federal and federally assisted programs."

The hearings of the select committee and the reviews subsequently conducted by the Committee on Public Works, headed by its outstanding chairman, the gentleman from Maryland (Mr. FALLON) have demonstrated dramatically the urgency for action.

It is always difficult to force an individual to move as we expand hospital, sanitation, transportation, and other public facilities, to serve a growing population. But it is cruel to force those who are suffering personal hardships because of this displacement to suffer economic hardship as well.

The few should not be made to pay unfairly for the progress that will benefit the many. This is not our American way, but has happened, and without an equitable policy for land acquisition, this will continue to occur.

In brief, the legislation before us today provides a humanitarian program of relocation payments, advisory assistance; assurance that comparable, decent, safe, and sanitary replacement housing will be available for displaced persons prior to displacement; economic adjustments, and other assistance to owners and tenants displaced from their homes, farms, and places of business. It establishes a uniform policy on real property acquisition practice for all Federal and federally assisted programs. And, perhaps most important of all, it gets to the heart of the dislocation problem by providing the means for positive action to increase the available housing supply for displaced low- and moderate-income families and individuals.

In conclusion, Mr. Speaker, I would call on my colleagues to give unanimous support to the proposal we have before

us today. I urge this not only because it is the fair and proper course of action by which we can protect the rights and interests of those whose property is being acquired for public purposes, but also, Mr. Speaker, because action on this proposal would bring to a successful conclusion a massive and important effort undertaken in recent years by one of the finest men I have served with in this distinguished House of Representatives, our respected and beloved friend, Judge Davis.

Mr. BROTZMAN. Mr. Speaker, in the 90th Congress I first introduced legislation to make the Government's real property acquisition policies more equitable. While S. 1 does not contain all of the important features contained in the legislation I have sponsored, I believe it materially improves the existing law, and I hope the bill wins speedy approval.

My interest in fairly compensating individuals and businesses forced to vacate their premises so that worthwhile public projects may be erected dates back quite a few years. In the private practice of law, as the U.S. attorney for the district of Colorado, and as a Congressman, I have had occasion to witness the strengths and weaknesses of our current eminent domain laws.

In an effort to improve condemnation proceedings and alleviate hardship on the condemnees, I introduced a three-bill legislative package in both the 90th and 91st Congresses. One of the bills would have provided for a more equitable treatment of persons affected by capital gains caused by the sale of real property through eminent domain proceedings to the Federal Government or for federally assisted projects. The second bill would have amended the Small Business Act to provide assistance for owners and employees of small business concerns displaced or injured by Federal or federally assisted programs. The provisions of these two bills are not now before us, but I would hope that we might have the opportunity to consider them in the 92d Congress.

The third part of my legislative package is largely incorporated in S. 1. The bill provides for moving expenses for displaced persons. In the case of persons displaced from businesses or farms, provision is made for relocation assistance. For homeowners, new relief is included so that condemnees will not be economically worse off as a result of their being forced to move. This program of relocation assistance is urgently needed. When a home or business is condemned, merely tendering the fair market value is insufficient. Experience has shown that there are often additional costs involved if the effected person is to be successfully relocated. If the project is in the public interest, the public ought to be willing to share these additional costs.

Title III of the bill establishes a uniform policy for real property acquisition. The emphasis is on equal treatment for all landowners and the avoidance of litigation. Great care is taken to assure that the Federal Government act to assist displaced families and businesses. While I would have preferred language guaranteeing the accessibility of ap-

praisals to condemnees, I take comfort in the bill's recognition of the pitfalls of the appraisal process. Provision is made for the property owner to accompany the appraiser on his inspection and responsibility is placed on the acquiring agency to determine, in advance of negotiations, an amount which it regards as the fair market value of the property, and to make an offer to the property owner for the full amount so determined. I am also pleased by the recognition that an across-the-board recovery of attorney fees in condemnation proceedings would be an invitation to litigation. Attorney fees would be recoverable only where the court determines that a condemnation was unauthorized, where the Government abandons a condemnation, or where the property owner wins compensation in an inverse condemnation proceeding.

Mr. Speaker, it is too late to assist the citizens who have already had their land taken, but it is not too late to help the nearly 200,000 persons who have their land condemned by the Federal Government each year. In my own district, it is probable that several public works projects will be initiated in the near future, and I would feel safe in predicting that each of the 435 congressional districts will, to some degree, be affected by the land acquisition policies of the Federal Government within the next few years.

In conclusion, Mr. Speaker, I want to congratulate the distinguished members of the Public Works Committee for reporting the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and I urge its adoption.

Mr. BENNETT. Mr. Speaker, I appreciate this opportunity to speak in favor of S. 1, the Uniform Relocation Assistance and Land Acquisition Policies Act. I have legislation which is identical to S. 1, but I do not claim authorship or expertise in developing this bill, which has already passed the Senate. I believe it is a good bill, and I hope the House will promptly pass it.

I have introduced this legislation and testified before the Public Works Committee in part because of a situation which occurred in my hometown of Jacksonville, Fla., last year.

The Public Works Committee in 1966 approved the prospectus for construction of a much needed new postal facility in Jacksonville. In January 1969 the site for the building was selected by the Post Office Department. The 19.4-acre site included several businesses and about 200 families, mostly below the stated poverty level with less than \$3,000 annual income.

The displacement of these families was of great concern to me and to Jacksonville city officials. I contacted the Post Office Department to see what relief might be given to these families when their homes would be destroyed and they would be forced to leave their property. The Post Office Department wrote in March 1969:

We appreciate your concern for these families (in Jacksonville, Florida) and would like to assure you that the Department is keenly aware of the problem. Our inability

to provide for relocation assistance is due to the lack of statutory authority to pay for relocation costs.

As a result, on April 23, 1969, I introduced H.R. 10525, a bill to provide for relocation payments to individuals, families, and business concerns displaced by the construction of a postal facility in Jacksonville, Fla. This bill was referred to the Committee on the Judiciary.

It was my feeling at the time, and it is today, that when any agency of the Federal Government displaces an individual then the Government has an obligation to aid that individual and provide whatever relocation assistance is necessary under the circumstances.

In reporting on my earlier bill, H.R. 10525, the Bureau of the Budget referred to the House Public Works Committee's Select Subcommittee on Real Property Acquisition Report of 1965. The report found that Federal and federally assisted programs for relocation "have fallen short of fairness in the treatment of those displaced by Government programs." The Bureau of the Budget said it believed that comprehensive relocation legislation was needed that would "assure adequate and uniform relocation assistance to all who are displaced when land is acquired for use in all Federal or federally assisted programs." The legislation, which passed the Senate last year, S. 1, was recommended as a broader based bill to cover the problem which we faced in constructing the new Jacksonville postal facility. The General Services Administration also recommended the more uniform legislation contained in S. 1. On January 21, 1970, I introduced H.R. 15479 which is identical to S. 1.

This bill will not directly affect my constituents who were forced to move because of the proposed construction of a new post office building in Jacksonville because the bill will not retroactively include Federal construction projects. I do feel, however, even though I no longer have a parochial interest, the concept of the bill is good and merits passage.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of the Equitable Land Acquisition Policies Act.

This legislation is sorely needed to deal with a problem of increasing complexity and magnitude. I wish to commend the distinguished chairman and members of the Public Works Committee for developing an outstanding measure to introduce equity and uniformity in the treatment of hundreds of thousands of citizens who are dislocated under numerous Federal and federally assisted programs.

As all of us recognize, rapid population growth and technological change make imperative the Federal programs to assist in building and rebuilding our cities, highways, and airports. These programs have been enacted and must go forward for the benefit of our entire society. But they should not impose an undue burden upon those individuals and businesses whose properties have to be acquired to make way for the necessary improvements to benefit the rest of us.

Construction of public improvements frequently takes place in the older sections of our urban areas. Residents and

businesses located in such areas are the ones who can least afford to absorb a financial setback occasioned by the need to relocate. They are the poor and the elderly and the small businesses. Many find it difficult or impossible to move from older low-rent areas to newer buildings whose costs and rents reflect the inflation that has taken place over the past several years.

For many businesses, the financial burden of relocation can be so great that they have to close up shop. Employees as well as employers suffer. We can ill afford such shutdowns. When businesses are forced to seek distant relocations, in order to obtain reasonably priced land, some employees cannot move with the business. Older employees may simply retire. Again, both employees and business owners suffer.

All of you are no doubt aware of examples of dislocation, with resulting suffering and financial loss. There is one in the city of Chicago with which I am most familiar. Hundreds of people who live in my own congressional district and surrounding areas are employed by Edward Don E. Co. This company has been in business for 50 years. It is now being forced to relocate because part of the new Interstate Highway System is being built through the center of our city.

This case can be multiplied a thousandfold. The number of people who will suffer from the effects of Government-sponsored dislocation in their economic and personal activities can literally be counted in the tens of thousands. Unless the Government can provide equal and equitable relief to all who are thus affected, the disillusionment that is abroad in our land will become more and more widespread.

At this time, the unequal treatment of dislocation households, businesses, and farms under different federally supported programs is, in itself, a cause for deep dissatisfaction. The inadequacy of relocation payments under some of the programs is grounds for justifiable resentment by those who are injured.

The provisions of S. 1 would serve to ameliorate the situation. The authorized relocation payments under the different programs would be uniform. There would also be some compensation above the modest moving and dislocation allowances for the small businessman who is dislocated, with special consideration for the elderly displaced businessman who may not be able to start over again in a new location. There is also special consideration for the small farm operator who is dislocated. A payment above the acquisition price would be allowed for homeowners, to offset the effects of inflation and enable them to acquire an adequate home in a suitable location.

Federal agencies which acquire property will also have to provide positive relocation assistance to those who are displaced.

Renters who are displaced from residences will also be eligible to receive assistance payments toward payments of rent in a decent, safe, and sanitary dwelling over the succeeding 2 years.

These and other provisions for financial assistance cannot compensate for the dislocation of lives for persons who must have neighborhoods in which they had established many personal ties. By providing financial assistance, however, we can allay the economic hardships that are caused by dislocation, we can encourage the continuation of business and employment at new sites and we can minimize the suffering and despair of those who are displaced.

Enactment and implementation of S. 1 will help us greatly in coping with the relocation problem that has been created by Government programs. I strongly urge that all the Members of this body vote to pass this bill.

Mr. KOCH. Mr. Speaker, I would like to note at this time my support for S. 1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which we are now considering.

For too long citizens have been subject to differing and often deficient relocation policies. The economic dislocation and hardship for a man losing his home or business is the same whether the federally sponsored project forcing his move falls under the jurisdiction of one agency or another. But to date, the assistance he has been eligible for has varied from none at all to several thousand dollars depending on the sponsoring agency. S. 1 would provide for the uniform and equitable treatment of all persons displaced from their homes, businesses or farms by Federal and federally assisted programs and provide uniform acquisition policies for all these projects.

This legislation is of interest to me in part because shortly after I was elected to Congress in 1968, the first request I had was from a group of citizens who were being displaced from their homes in New York City to make way for a new post office, but were to receive no relocation benefits at all. They further told me that they could not understand why this was since their friends in another part of town who had been similarly displaced to make way for another post office had been given both relocation services and financial assistance. My first reaction to this was that certainly some bureaucratic error had been made. I soon learned, however, that the facts my constituents had were correct—that they were not eligible for assistance because the Post Office Department was undertaking the construction directly while the other post office had been constructed by private enterprise on a lease-back arrangement. The private corporation was subject to the city's relocation requirements; the Federal Government was not. I must say that I felt a little foolish trying to explain that while it was true that a post office was being built in both instances, the Government in this case could not give relocation benefits, while the private company did.

Today's legislation, which I had a hand in drafting, rectifies this situation. It fills the gaps where assistance is not available while providing a single uniform policy for all of the Government's agencies.

During the past 2 years I have worked

with the committee on this bill making certain that it would provide equitable benefits to these constituents. A great deal of consideration and time has been given by the committee to this bill to assure the enactment and implementation of a comprehensive and equitable program. I hope it will receive the support of this body.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma (Mr. EDMONDSON), that the House suspend the rules and pass the bill S. 1, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19363) to amend the Library Services and Construction Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 19363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Amendments of 1970".

PURPOSE: AMENDMENT TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 2. (a) It is the purpose of this Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act, by lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under such Act and to afford the States greater discretion in the allocation of funds under such Act to meet specific State needs and, by providing for special programs to meet the needs of disadvantaged persons, in both urban and rural areas, for library services and for strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

(b) The Library Services and Construction Act (20 U.S.C. 351 et seq.), is amended by striking out all that follows the first section and inserting in lieu thereof the following:

"DECLARATION OF POLICY

"SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

"(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses in the funds provided under this Act shall be reserved to the States and their local subdivisions.

"DEFINITIONS

"Sec. 3. The following definitions shall apply to this Act:

"(1) 'Commissioner' means the Commissioner of Education.

"(2) 'Construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term 'equipment' includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

"(3) 'Library service' means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

"(4) 'Library services for the physically handicapped' means the providing of library services, through public or other non-profit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

"(5) 'Public library' means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

"(6) 'Public library services' means library services furnished by a public library free of charge.

"(7) 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(8) 'State Advisory Council on Libraries' means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

"(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

"(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

"(C) assist the State library administrative agency in the evaluation of activities assisted under this Act;

"(9) 'State institutional library services' means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

"(10) 'State library administrative agency' means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

"(11) 'Basic State plan' means the document which gives assurances that the offi-

cially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

"(12) 'Long-range program' means the comprehensive five-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

"(13) 'Annual program' means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

"AUTHORIZATIONS OF APPROPRIATIONS

"Sec. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

"(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated \$112,000,000 for the fiscal year ending June 30, 1972, \$117,600,000 for the fiscal year ending June 30, 1973, \$123,500,000 for the fiscal year ending June 30, 1974, \$129,675,000 for the fiscal year ending June 30, 1975, and \$137,150,000 for the fiscal year ending June 30, 1976.

"(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated \$80,000,000 for the fiscal year ending June 30, 1972, \$84,900,000 for the fiscal year ending June 30, 1973, \$88,000,000 for the fiscal year ending June 30, 1974, \$92,500,000 for the fiscal year ending June 30, 1975, and \$97,000,000 for the fiscal year ending June 30, 1976.

"(3) For the purpose of making grants to States to enable them to carry out inter-library cooperation programs authorized by title III, there are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1972, \$15,750,000 for the fiscal year ending June 30, 1973, \$16,500,000 for the fiscal year ending June 30, 1974, \$17,300,000 for the fiscal year ending June 30, 1975, and \$18,200,000 for the fiscal year ending June 30, 1976.

"(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1) in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2) in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

"ALLOTMENTS TO STATES

"Sec. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums

remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

"(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

"(3) For the purposes of this subsection, the 'minimum allotment' shall be—

"(A) with respect to appropriations for the purposes of title I, \$200,000 for each State, except that it shall be \$40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(B) with respect to appropriations for the purposes of title II, \$100,000 for each State, except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

"(C) with respect to appropriations for the purposes of title III, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

"(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallocation from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallocation to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

"STATE PLANS AND PROGRAMS

"Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of December 17, 1970
91st-2nd; No. 203

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HIGHLIGHTS: Conferees filed reports on Federal-Aid Highway Act and HUD act.
House agreed to motion to send potato and tomato promotion bill to conference.
House agreed to conference report on disaster relief bill.
Senate passed food stamp amendments, with amendment, and requested conference.
Senate passed NAL gifts act.
Senate passed bill removing export restrictions on wine with amendment providing land-grant status for College of Virgin Islands and University of Guam.

SENATE

1. FOOD STAMPS. Passed H.R. 18582 after amendment by striking all after the enacting clause and substituting the language of S. 2547 to extend and revise the food stamp program; conference requested and conferees appointed.
pp. S20446-7

2. NAL. Passed H.R. 19402 to authorize the receipt of gifts for the National Agricultural Library. This bill now goes to the President. p. S20446
3. WINE; COLLEGE OF V.I. AND UNIVERSITY OF GUAM. Passed H.R. 14169, to remove export restrictions against domestic wines under Title I of P.L. 480, after adopting Moss amendment granting land-grant status to the College of the Virgin Islands and the University of Guam. pp. S20468-9
4. RELOCATION ASSISTANCE AND LAND ACQUISITION. Agreed to House amendment with amendments to S. 1, proposed Uniform Relocation Assistance and Acquisition Policies Act. pp. S20458-66
5. ANIMALS. Committee on Commerce reported with an amendment H.R. 15188 to prohibit the shooting of certain wildlife from aircraft (S. Rept. 91-1482). p. S20482.
6. TUNA CONTAMINATION. Sen. Nelson commented on the danger of mercury in Tuna and placed in the Record articles and reports on the effects of mercury poisoning from Tuna. pp. S20427-8
7. CARNATION FARMS. Sen. Jackson saluted the 60th anniversary of one of "the best known agricultural institutions in the world" and reviewed the history of the Carnation Farms. p. S20498
8. TRADE LEGISLATION. Sen. Pearson expressed his opposition to the proposed Trade Act of 1970 and his displeasure that the Administration lent its support to the introduction of the bill as an amendment to the Social Security Amendments legislation. pp. S20504-6

HOUSE

9. COMMITTEE ACTION.

Conferees filed reports on:

H.R. 19504, authorizing appropriations for the construction of certain highways (H. Rept. 91-1780). pp. H11949-67, H12011; and

H.R. 19436, providing for the establishment of a national urban growth policy. A provision extending the restriction on log exports was retained in the bill (H. Rept. 91-1784). pp. H11992-12010, H12011; and

H.R. 19877, Rivers, Harbors, and Flood Control Act of 1970 (H. Rept. 91-1782). pp. H11967-75, H12011; and

H.R. 17255, providing for a more effective program to improve the Nation's air quality (H. Rept. 91-1783). pp. H11975-92, H12011.





"(1) one-half of the aggregate reduction under such agreement for such article had taken effect on the date of the first proclamation pursuant to section 201(a) to carry out such trade agreement, and

"(2) the remaining one-half of such aggregate reduction had taken effect 1 year after the date referred to in paragraph (1).

In applying the preceding sentence to any article, if, on the date referred to in paragraph (1) of the preceding sentence, there remained reductions pursuant to a prior trade agreement which had not yet taken effect, such remaining reductions shall be deemed to be included within the aggregate reduction under the trade agreement entered into after June 30, 1967, and before July 1, 1975."

(d) Subsection (e) of such section 253 (as redesignated by subsection (c) of this section) is amended—

(1) by striking out "a reduction takes effect" and inserting in lieu thereof "a reduction under any trade agreement entered into under this title takes effect"; and

(2) by striking out "subsection (c)" in paragraph (2) thereof and inserting in lieu thereof "subsection (c) or (d) (2)".

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. WILLIAMS of Delaware. I yield, with the understanding that I do not lose my right to the floor.

Mr. JAVITS. Yes, with the understanding that the Senator does not lose his right to the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, as I heard the amendment read, it did not make any change in the original committee amendment—that the wording is the same as title III of the bill. Therefore, I ask the Chair whether such an amendment is in order. I realize something may be added to it. The Chair has it there for examination. I did not hear that it made any change in the original committee amendment.

The PRESIDING OFFICER. There is no rule that prevents its being offered. Later, if it appeared to be redundant, a motion could be offered to withdraw it or to strike. The committee amendments are not a part of the bill until they are agreed to on the floor.

Mr. JAVITS. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. My inquiry is directed to whether a point of order would lie against this amendment because it does not actually amend any part of the committee amendment. The Chair has the amendment before him.

The PRESIDING OFFICER. The Chair is of the opinion that a point of order would not lie at this time.

Mr. JAVITS. Could the Senator from New York have the Chair's reason, according to the Parliamentarian?

Mr. WILLIAMS of Delaware. Mr. President, may I comment? It would not lie for the same reason that a point of order would not lie against the family assistance plan. I checked into both of them. I think it would have been better if we had done otherwise, but the Parliamentarian very clearly stated that the amendments are in order. The family assistance plan would be in order as the

Senator from Connecticut was going to offer it.

Mr. President, this amendment is being offered on behalf of the Senator from Georgia (Mr. TALMADGE) and the Senator from Arizona (Mr. FANNIN). I am in this position. I disagree, as I told the Senators, with the trade section in this bill, but I do think that if we are going to have to face it before anything is done, I want it faced head on and I do not want to disillusion a lot of these people. I am reserving the right to vote against this amendment.

I would be willing to withdraw this amendment—and the Senator knows I have bent over backward to get an agreement. This is not a threat; I am not offering it in that way—if we could have unanimous consent to let this go over until tomorrow, when Senators could have time to think this over, and maybe we could get together. I would withdraw this amendment and would be the first to renew my request if we could have that unanimous-consent agreement. I hope it can be done. I think this would be the better way to proceed.

I am caught in the situation. I have no choice, because the minute I release the floor I know the family assistance plan will be offered, which is another unrelated bill, not subject to a point of order again, as the Senator points out.

If we are going to face this decision later let us just face it now.

If we can get unanimous consent to lay this bill aside until tomorrow at the 3 o'clock session with the understanding that I resume my right to the floor so there will be the same parliamentary situation I shall withdraw that amendment and express the hope that with Senators who agree to this trade section we would reach an agreement on the amendments.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. JAVITS. I did not ask my question with a view to challenging the Senator. I wanted to get the parliamentary situation for other amendments which I or other Senators may offer.

I might say, as I said earlier, Providence may be leading us by the hand. The trade amendment is the sticking point in the bill, and the Senator has properly tabbed it, and let us have it out. Let the administration face it and let us face it. Let us try to find our way out of this maze. It may be the best thing to do.

I ask nothing from the Senator at all. He has offered an amendment.

Mr. GRIFFIN. Mr. President, will the Senator from Delaware yield without losing the floor?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. The Senator from Delaware has offered an amendment to the pending committee amendment. I ask this as a parliamentary inquiry. For the information of the Senate, is the Senator from Michigan correct that no further amendment may be offered to the trade amendment which the Senator now has before the Senate?

The PRESIDING OFFICER. The Chair is of the opinion that this is an amendment in the second degree and is

therefore not open to further amendment.

Mr. GRIFFIN. So if we proceed to a vote on this amendment, we will have to vote it up or down?

The PRESIDING OFFICER. That is correct.

Mr. WILLIAMS of Delaware. I agree with that ruling. That is as I understand it. It is most unfortunate, but that is the situation.

I am only offering this trade amendment to point up the situation we would be in with the family assistance plan. The same thing would be true.

I hope the Senate will not get into this posture on either of these bills. I want them voted up or down.

If the Senator made a motion to strike out this trade section and it were in order I would expect to support it. Any Senator can offer such a motion. It may be amended in a form that both the Senator and I would be supporting. Perhaps we would not.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. I am aware of what the distinguished Senator has in mind, and I would be hopeful, under the complexities of the situation, that he would proceed as he is doing. I do not think the leadership on either side is making any suggestion that we go over until 3 o'clock tomorrow.

Mr. MANSFIELD. No. I think we ought to stay on the pending measure. I am sorry that in my absence—not because of my absence—but in my absence the request of the distinguished Senator from Delaware, which would have brought about the acceptance of all committee amendments and would have in effect presented us with a clean bill, was not agreed to. I think that what he suggested was proper and was the appropriate and efficient way to proceed. This way we are getting the cart before the horse.

Frankly, I do not know what position we are getting into, but we ought to get accustomed to being confused. I think we ought to take advantage of whatever hours are left and do what we can to act on the President's program.

Mr. SCOTT. My purpose is to get those measures in the President's program which can be enacted, if at all possible, written into law. I do not see anything to be gained by going over until 3 o'clock on this or any other amendment.

Mr. CURTIS. Mr. President, will the Senator from Delaware yield for an observation, with the understanding that he does not lose the floor and that his speech will not be counted as a second speech?

Mr. WILLIAMS of Delaware. I yield with that understanding.

Mr. CURTIS. I would like to point out that there are many things in this voluminous bill. There are many improvements in many of our social programs. There are improvements in the medicaid program. There are improvements in the medicare program.

If we labor for days and perfect this bill, and then in the end see it all come to naught because of extended debate

on the trade portion of the bill, then the whole Senate has wasted its time. It has labored for nothing. It was held out to the country that certain acts would be taken and certain things would be corrected and certain problems would be solved, but then we would come to the end of the line and there would be no legislation because of the filibuster on the trade bill.

So since that is the only one feature where it appears there might be a filibuster, I think the thing to do is to face up to it now rather than labor here for days, improving or rejecting or approving family assistance and all the other provisions in the bill only to have the entire bill come to naught.

Suppose we got a social security, medicare, and welfare bill that met with the approval of the majority of the Senate, after long hours and days of work; then, face a filibuster over trade, it is better that we face that threat right now. I thank the distinguished Senator for yielding. I believe that it is the interests of the time of all the Senators that we face this issue of the trade portion of this bill. I did not support all of the trade portion. I am inclined to support that which is within or near the purview of that recommended by the administration.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. WILLIAMS of Delaware. Yes.

The PRESIDING OFFICER. The Senator yields without losing his right to the floor.

Mr. JAVITS. Mr. President, I should like to point out to those who have made comments that the President of the United States, in a letter to the Senator from Pennsylvania (Mr. SCOTT) dated December 10, 1970, stated that he says he is strongly against this measure.

The President wrote:

The well-being of the United States requires this trade legislation. I must urge, therefore, that the Senate examine these matters with great care, in an endeavor to put this legislation into acceptable form. I would hope that such legislation could be passed at this session of Congress.

So the President himself, Mr. President, has invited very careful consideration of the matter. He has flagged its critical importance, and, as I said a minute ago, it may very well be that Providence is leading us by the hand in respect to what the exigencies have compelled the Senator from Delaware to do.

I should like to make, in conclusion, just one further parliamentary inquiry, Mr. President, if I may have the attention of the Presiding Officer and the Parliamentarian.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. If this amendment, Mr. President, is rejected either by tabling or by rejection on a vote, does that displace in any way title III of this bill, the so-called trade title?

The PRESIDING OFFICER. It does not.

Mr. JAVITS. So title III would still remain to be voted up or down, no matter what we did about this amendment?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank my colleague. Now may I say to the Senator from Delaware that though I think, as I say, that Providence may have led us all by the hand in the right direction, I shall nevertheless take the occasion, when, as, and if we adjourn tonight, to gather my colleagues together and, still without any assurance that it may or may not be done, give the Senate our best judgment as to how we think the Senate and its work may be facilitated and our consciences and our principles sustained in respect to this matter. I thank the Senator very much for his kindness in yielding.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS of Delaware. I yield to the Senator from Nebraska for a parliamentary inquiry.

Mr. CURTIS. Under unanimous consent that he not lose the floor or any of his rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Suppose the amendment now offered by the distinguished Senator from Delaware is agreed to by the Senate, and thereafter, when the committee amendment dealing with trade is presented, it is voted down; does the Williams amendment still remain in the bill?

The PRESIDING OFFICER (Mr. SARB). It would remain if thereafter the bill was passed, with the Williams amendment, as agreed to, as a part of the original bill.

Mr. WILLIAMS of Delaware. Mr. President, I have checked this point, and I agree with the ruling of the Chair. It would be redundant because to a certain extent it would be repetitious, and since there was nothing in the bill itself when it went to conference, one of the sections could be dropped.

Mr. President, as I said, I regret the parliamentary situation in which we find ourselves, but I think we should face this issue. I say again that if, tomorrow when we reconvene, this matter has not been disposed of, and we can get an agreement on these amendments en bloc, I shall be the first to support a withdrawal of this amendment, so that we can proceed in an orderly fashion, because I think it would be much better.

However, since we cannot, I feel that we have no choice here, because I think we had just as well face up to the issue.

To make sure that we do, I ask for the yeas and nays on my amendment. I yield the floor.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, is this to vote on the pending amendment?

Mr. WILLIAMS of Delaware. Yes.

Mr. MANSFIELD. Will the Senator try to get a time limitation, so we can get on with the bill?

Mr. WILLIAMS of Delaware. Mr. President, we do not need a time limitation, because I, too, think we should get on with the bill. I ask that the clerk call the roll.

Several Senators addressed the Chair.

Mr. JAVITS. I did not hear that. What was the the unanimous-consent request?

Mr. WILLIAMS of Delaware. I am just trying to expedite the work of the Senate. I said, "Let's call the roll."

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATION OF THE PRACTICE OF PSYCHOLOGY IN THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1626.

The Presiding Officer (Mr. STEVENSON) laid before the Senate the amendments of the House of Representatives to the bill (S. 1626) to regulate the practice of psychology in the District of Columbia, which were, on page 13, strike out lines 14 through 22, inclusive, and insert:

SEC. 17. Section 14-307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

On page 14, after line 5, insert:

SEC. 20. Section 5 of the Act of May 28, 1924 (D.C. Code, sec. 2-505), is amended by inserting after "discharge of its duties" the following: "and for the regulation of the practice of optometry in the District of Columbia, including the regulation of unprofessional conduct for optometrists in the District of Columbia".

On page 14, line 6, strike out "20." and insert "21."

Mr. MANSFIELD. Mr. President, I move that the Senate disagree to the amendments of the House on S. 1626 and ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer Mr. SPONG, Mr. EAGLETON, and Mr. PRUTY conferees on the part of the Senate.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Mr. MUSKIE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1.

The PRESIDING OFFICER (Mr. STEVENSON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, busi-

nesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, which was to strike out all after the enacting clause, and insert:

"That this Act may be cited as the 'Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970'.

"TITLE I—GENERAL PROVISIONS

"SEC. 101. As used in this Act—

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

"(2) The term 'State' means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

"(3) The term 'State agency' means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

"(4) The term 'Federal financial assistance' means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

"(5) The term 'person' means any individual, partnership, corporation, or association.

"(6) The term 'displaced person' means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

"(7) The term 'business' means any lawful activity, excepting a farm operation, conducted primarily—

"(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

"(B) for the sale of services to the public;

"(C) by a nonprofit organization; or

"(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

"(8) The term 'farm operation' means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of con-

tributing materially to the operator's support.

"(9) The term 'mortgage' means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

"FINALITY OF DETERMINATIONS

"SEC. 102. (a) Any determination by the head of a Federal agency administering a program or project as to payments under titles II and III of this Act shall be final and no provision of such titles shall be constructed to give any person a cause of action in any court, nor may any violation of either of such titles be raised as a defense by such person in any action.

"(b) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

"(c) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence on the date of enactment of this Act.

"TITLE II—UNIFORM RELOCATION ASSISTANCE

"DECLARATION OF POLICY

"SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

"MOVING AND RELATED EXPENSES

"SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

"(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

"(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

"(3) actual reasonable expenses in searching for a replacement business or farm.

"(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$300; and a dislocation allowance of \$200.

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be re-

located without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

"REPLACEMENT HOUSING FOR HOMEOWNER

"SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of \$15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

"(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

"(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

"(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

"(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during con-

struction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"Sec. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

"(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed \$4,000, or

"(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203 (a) (1) (C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment.

"RELOCATION ASSISTANCE ADVISORY SERVICES

"Sec. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

"(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

"(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine the need, if any, of displaced persons, for relocation assistance;

"(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

"(3) assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by

such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment;

"(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"Sec. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

"(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c) (3), is available to such person.

"STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL CO-OPERATION)

"Sec. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first \$25,000 of the cost of providing such payments and assistance.

"STATE ACTING AS AGENT FOR FEDERAL PROGRAM

"Sec. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

"PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

"Sec. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such

effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

"REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE IN FEDERALLY ASSISTED PROGRAMS; ASSURANCES OF AVAILABILITY OF HOUSING

"Sec. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

"(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

"(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c) (3).

"FEDERAL SHARE OF COSTS

"Sec. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first \$25,000 of such cost.

"(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

"(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to section 206, 210, 215, and 305.

"ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCING ASSISTANCE

"Sec. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance pro-

grams for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

"REGULATIONS AND PROCEDURES

"SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

"(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

"(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

"ANNUAL REPORT

"SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975; together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

"PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

"SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to non-profit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

"PAYMENTS NOT TO BE CONSIDERED AS INCOME

"SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

"DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

"SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

"TRANSFERS OF SURPLUS PROPERTY

"SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the

Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

"DISPLACEMENT BY A SPECIFIC PROGRAM

"SEC. 219. Notwithstanding any other provision of this title, a person—

"(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

"(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

"(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

"(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

"REPEALS

"SEC. 220. (a) The following laws and parts of laws are hereby repealed:

"(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231-1234).

"(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

"(3) Section 2680 of title 10, United States Code.

"(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606 (b)).

"(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

"(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

"(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes," approved October 6, 1964 (78 Stat. 1004; Public Law 88-629; D.C. Code 5-729).

"(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

"(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

"(10) Chapter 5 of title 23, United States Code.

"(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90-495).

"(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

"EFFECTIVE DATE

"SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

"(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its

laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

"(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

"TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

"UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

"SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

"(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

"(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

"(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

"(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

"(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

"(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

"(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or conditions and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

"(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

"(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

"BUILDINGS, STRUCTURES, AND IMPROVEMENTS

"SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

"(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

"(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

"EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

"SEC. 303. The head of a Federal agency as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

"(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

"(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

"(3) the pro rata portion of real property taxes paid which are allocable to a period

subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

"LITIGATION EXPENSES

"SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

"(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

"(2) the proceeding is abandoned by the United States.

"(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

"(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a) (2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

"REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

"SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

"(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

"(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

"REPEALS

"SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section."

Mr. MUSKIE. Mr. President, S.1, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 climaxes a long, hard fight to establish a uniform policy for the fair and equitable treatment of people who are displaced by Federal and federally-assisted programs. The need for this legislation is clear. It has been documented through studies conducted by the Congress, and

in hearings held before the Subcommittee on Intergovernmental Relations and before the House. The House legislation before us has refined and strengthened the basic principles and programs in S.1, as passed by the Senate on October 21, 1969, and in my opinion, is as high priority a measure as stands before the Senate.

There are more than 50 Federal programs which result in condemnation of land and which, quite literally, bulldoze hundreds of thousands of people from their homes and businesses each year. Many are low-income families. They are the elderly. They are small farmers and small businessmen. In almost every case, they are forced to leave an area in which they have spent their entire lives, and in which they have made their economic well-being. Little has been done to assist their movement or help replace their losses. The supreme irony of this is that their problems were caused by Federal programs backed by the dollars of Federal taxpayers.

In less complex times, these programs involved no major displacements of people. The taking of a residential property, a commercial enterprise, a farm, or a small business proved the exception, and normally caused little or no distress to the individual owner.

The accelerating demand for public services of all kinds, and the growth of our population, particularly in our urban areas, brought with it the shattering effects of displacement.

This bill is needed in order to minimize these effects, and to eliminate the vast inconsistencies that exist among Federal and federally assisted programs with respect to relocation assistance and land acquisition.

S.1 recognized that relocation is a serious problem. It acknowledges that advisory assistance is of special importance in the relocation process, and especially for the poor, and the nonwhite, the elderly and the small businessman. It seeks to establish fairer land acquisition policies in relation to the acquiring of property for these programs. It establishes the fact that the Federal Government has a prime responsibility to come up with uniform and equitable treatment of those who must relocate.

S.1 provides for relocation payments. It provides for advisory assistance and for assurance that comparable, decent, safe and sanitary housing will be available before displacement can occur. It provides for the economic costs of adjustment of persons and businesses displaced by such programs. It establishes a uniform policy with regard to real property acquisitions for all Federal and federally assisted programs.

The heart of the dislocation problem is what is being done to displaced low and moderate income families as a result of displacement. S.1 gets to the heart of that problem.

As the Senate prepares to pass S.1, it seems appropriate that we should take notice of the fact that the bill brings to fruition a proposal made more than 10 years ago by one of its sponsors, the senior Senator from Alabama (Senator SPARKMAN). His concern on behalf of

this problem has been thoroughly established through his work as chairman of the Senate Select Committee on Small Business, and as a result of his efforts on the Small Business and Housing Subcommittees of the Banking and Currency Committee.

Mr. President, S.1 provides for relief of dislocation. It provides the necessary tools for the job to be done. Their use will depend upon the imagination and the desire of its administrators to do the job that is intended to be done. The uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can insure fair and evenhanded administration of that process, consistent with the protection of individual rights and community needs, no matter what agency is involved. Confidence in and support for Government programs demands no less.

Mr. President, I move that the Senate agree to the engrossed amendment of the House to S. 1 with amendments which I have sent to the desk.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to state the amendments.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; the amendments will be printed in the RECORD.

The amendments ordered to be printed in the RECORD are as follows:

S. 1

On page 4, strike out lines 10 through 17 and insert in lieu thereof the following:

"EFFECT UPON PROPERTY ACQUISITION"

On page 4, line 18, strike out "(b)" and insert in lieu thereof "Sec. 102(a)".

On page 4, line 21, strike out "(c)" and insert in lieu thereof "(b)".

On page 4, line 24, strike out "on" and insert in lieu thereof "immediately prior to."

On page 12, lines 1 and 2, strike out ", to the extent that can reasonably be accomplished."

On page 12, line 10, before the semicolon, insert a comma and the following: "except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived".

Mr. MUSKIE. Mr. President, I think it is appropriate in the closing days of the Congress to finally take up action on the first bill introduced in this Congress, S. 1. It is legislation dealing with the establishment of a uniform policy for the fair and equitable treatment of people who are displaced by Federal and federally supported programs.

The Senate has enacted this legislation twice, once last Congress and once early in this Congress. The House has now acted on it with some amendments in disagreement which we have discussed with the House. The House is unwilling to go to conference. So we have undertaken to work out amendments to which the House will agree so that we can avoid the conference.

That is the substance of the amendments which I have offered on the floor this afternoon.

The principal amendment has to do with the question of judicial review. The Senate bill, as enacted, provided for judicial review. The House struck out that provision.

We are now offering an amendment that will leave the question of review in the existing law.

The distinguished Senator from North Carolina (Mr. ERVIN) and the distinguished Senator from Massachusetts (Mr. KENNEDY) have both been concerned with this issue. The amendment I am offering has met with their agreement and approval.

I think we are ready to move at this point this afternoon.

Mr. ERVIN. Mr. President, will the Senator yield without losing his right to the floor?

Mr. MUSKIE. Mr. President, I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the distinguished Senator from Maine has worked very hard on this bill for several years. As he stated, it has passed the House twice.

The Senator from Maine stated very eloquently when the bill was introduced during the present Congress that the uprooting of an individual, his family, his business or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can assure fair and even-handed—

Mr. BYRD of West Virginia. Mr. President, may we have order in the Chamber? There are too many colloquies taking place. Senators in the rear cannot hear what the Senator from North Carolina is saying. Will the Chair ask Senators to take their seats?

The PRESIDING OFFICER. The Chair requests Senators to take their seats.

Mr. ERVIN. Mr. President, I am quoting the statement made by the distinguished Senator from Maine when he introduced the bill early in this Congress. He said:

The uprooting of an individual, his family, his business, or farm, and the taking of his land is a very personal matter. We cannot make the process painless, but we can assure fair and even-handed administration of that process, consistent with the protection of individual rights and community needs, no matter what agency is involved.

Pursuant to the thought thus expressed by the distinguished Senator from Maine on the predecessor of this bill and on the present bill containing the provision, title 4, secured to every person adversely affected and every public agency of a State adversely affected by one of these Federal projects which necessitates the relocation of an individual's home or business, the right to have a judicial review of any rights that might be placed in jeopardy by such action.

The members of the Senate committee which handled this bill have been strongly in favor of expressly securing the right of judicial review to those who are adversely affected by such Federal action having to do with relocation.

I concur in the present position of the Senator from Maine. I believe it is rather essential to have judicial protection of the rights of persons, State agen-

cies, and State subdivisions which are dislocated by Federal projects. However, this bill has some very fine provisions to insure their being dealt with justly.

I feel that these provisions have been too long delayed by the failure of the House to follow the action of the Senate in this area.

For this reason I concur, with reluctance, in the motion made by the Senator from Maine.

I point out that it will take some time to implement the provisions of this bill. I believe that there would be ample opportunity for those of us who are interested in this problem to introduce in the next session of the Congress with at least a reasonable hope of being able to have the House follow our lead on the matter, provisions which will secure the right of judicial review in this connection.

For this reason, I am sure that the Senator from Maine feels as I do about this matter and that he and the Senator from Massachusetts will join me in an amendment to try to supply this omission in the legislation.

Mr. MUSKIE. The Senator is correct. I have asked the staff to prepare the legislation for introduction early in the new Congress. I will promise to hold early hearings so that we can get at this question at an early stage in the next Congress.

I think there is sufficient support on this side so that there will be no difficulty in processing the legislation very quickly.

Mr. ERVIN. Mr. President, with that assurance, I join with the Senator in asking that the Senate take the action he has suggested.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MUSKIE. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, the Senator from Illinois worked with the distinguished Senator from Maine on this subject. It is certainly legislation that is desired by mayors and Governors throughout the country.

The Senate's will has been frustrated on a number of occasions in the past because the matter has not passed the House.

There are some significant differences between the House-passed version and the Senate-passed version.

I ask unanimous consent that a memorandum prepared analyzing the differences between the House and Senate versions be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

S. 1, THE UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT

The House passed their version of S. 1, Monday, December 7. The essential differences between House-Senate versions of the bill are:

MAJOR CHANGES

1. *Judicial Review*—House version strikes Title IV provisions of S. 1. All determinations made by heads of federal agencies regarding relocation/acquisition, are final. Nothing in the bill is to be construed as creating any element of value or damage under condemnation proceedings.

2. *Rules and Regulations for implementation*—The Senate version placed responsibility for preparation and execution with the President. The House version authorizes head of each agency involved with relocation/acquisition to establish regulations and procedures. These, in turn, to be uniform to the maximum extent possible through consultation with heads of other agencies.

The House version requires preparation of an annual report beginning January 15, 1972, and for each year until January 15, 1975, which will detail for the President, and also for the Congress, the effectiveness of the bill, actions taken to achieve Congressional objectives, views on progress made toward such objectives, effects on the public, and recommended changes, improvements, etc. These reports would be the nucleus for additional Congressional action should implementation of the law prove difficult in terms of achieving uniformity and equity.

Comment: (1) *The judicial review feature* included in the Senate version was knocked out because neither Justice nor BOB felt it served any immediately useful purpose. (Excessive litigation and crowded dockets being the reasons.) The House provisions require considerable discretion on the part of the administrator, inasmuch as judicial review could effectively hamstring implementation of any project while the parties sought resolution through the courts, its omission undoubtedly will free the hand of the administrator in his approach to individual cases. (House staff have indicated that if the Senate insists on it being included, the bill will be lost.)

(ii) *The Rules and Regulations procedures* imply substantial good will on the part of the administrators. Where the Senate bill attempts to fix responsibility in the Presidential office, it is left to agency heads to iron out their differences. The Senate version was conceived without consideration of the coordinative role of the newly created Office of Management and Budgeting, which promulgate the necessary procedures under which agency heads consult and work toward common solutions. The annual report should provide sufficient opportunity for Congressional review and reactions.

OTHER CHANGES

The House bill increases basic moving and dislocation allowances from \$200 and \$100 to \$300 and \$200 respectively. In lieu of fixed allowances, the bill provides for payment of "actual" reasonable costs, etc., not less than \$2,500 nor more than \$10,000 (up from \$5000 in S. 1). This is based on average annual net earnings. (The House allows computation over either the two previous years, or such other 2-year period as would be determined more equitable, i.e. in cases where the previous two year period was affected by bad business conditions, etc.)

The House bill provides for expanded replacement housing costs through supplemental payment of up to \$15,000—to bridge the gap between acquisition payment and actual reasonable cost to reenter the housing market. Replacement housing must be available before displacement. House bill also provides coverage of such items as interest rate differential on mortgages, unpaid debt at time of acquisition, etc., through the \$15,000 supplemental payment.

The House bill provides for tenant displacement through a replacement allowance of up to \$4,000 necessary to enable lease or rent for a period not to exceed 4 years. Tenant can enter housing market by use of up to \$4,000 (matched by his own sum) for making a downpayment.

The House bill provides for expanded relocation assistance services, including determination of needs for assistance, information, assurance in advance of availability, loan programs information, etc.

The House bill provides for housing replacement by the displacing Federal agency as a last resort, including direct construction of new housing, acquisition and rehabilitation of existing housing, relocation of existing housing, and jointly financed projects which could aggregate rental housing requirements into feasible units. Examples include HUD, Agriculture work out programs for construction for low or moderate income families/individuals.

The House version provides for full Federal funding of the first \$25,000 (same as in S. 1 except for Hawaii and Alaska), for any acquisition or displacement prior to July 1, 1972. In the case of federally-assisted projects, State can establish a trust fund, using an advance from the Feds (the costs being 100% Federally reimbursable up to \$25,000). This would permit States to overcome any legal incapacities with respect to the expending of State funds until such period of full Federal funding expires.

The effective date of the bill is enactment, except where a State is unable to comply fully, in which case it becomes effective as soon as the State can comply, and in every case, after July 1, 1972.

The special case of the Murray Hill Post Office Station is taken care of by the bill, and the mandates for a uniform land acquisition policy are included with minor exceptions and changes. The expenses provided for by S. 1 are retained in the House bill, i.e. recording fees, transfer taxes, etc., but, in addition, the House bill will reimburse the owner for litigation expenses within reason.

Mr. PERCY. Mr. President, there are some points of concern that the administration has with respect to this bill. I ask unanimous consent that these differences of opinion that the administration has had with respect to this bill be printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

POINTS OF SIGNIFICANT CONCERN WITH HOUSE-PASSED S. 1, THE PROPOSED RELOCATION AND LAND ACQUISITION POLICIES ACT

I. The following are items in the House bill of particular concern.

a. *Implementing regulations.* The House bill provides in section 213 for the establishment of regulations and procedures by the heads of the various displacing agencies. It thus does not provide, as does the Senate bill, for the assured uniformity that would be provided through Presidential regulations. It also omits provisions requiring centralized determinations with respect to housing availability and standards so as to assure uniformity in handling these matters among different agencies and programs.

b. *Availability of replacement dwellings.* The House bill in section 205(c)(3) weakens the requirement of availability of replacement housing by requiring assurance that suitable replacement dwellings will be available prior to displacement only "to the extent that can reasonably be accomplished." The Committee report states that this limiting phrase is used only "to provide for emergency or other extraordinary situations where immediate possession of real property is of crucial importance." Nevertheless, this phrase is still subject to interpretation by the heads of various displacing agencies. The Senate version is preferable in that it establishes an absolute requirement that replacement housing be available, subject only to Presidential waiver.

c. *Replacement housing for homeowners.* Although the concept of providing additive payments to assist owner-occupants in obtaining decent, safe and sanitary replacement dwellings is essential, the \$15,000 maximum payment proposed in section 203 of the

House bill is exorbitant and would create pressure for unnecessarily high costs for public improvements. The limit of \$5,000 established in the Senate version is adequate, based upon operating experience, to meet the legitimate cost of assuring suitable replacement housing.

d. *Compensation for increased interest costs.* Section 203(a)(1)(B) would provide a payment to homeowners whose property is mortgaged to compensate them for the increased cost, if any, of obtaining a new mortgage at higher interest rates. This provision would present serious administrative difficulties and could result in substantial windfall payments to homeowners where the new mortgage is not held for the full period for which the homeowner has been compensated. It would also remove the incentive to seek the lowest interest rate mortgage available, and hence would contribute to inflationary pressure.

e. *Mortgage insurance for displacees.* This provision in section 203(b) of the House bill would allow Federal agencies administering mortgage insurance programs to insure mortgages of displacees eligible for assistance under this section without regard to their age, physical condition or other characteristics. This provision would create a new insurance program characterized by limited applicability and high risks. No new insurance fund has been provided to cover this new class of high risk policies. In view of the numerous technical problems which such a program would entail, any decision concerning it should be deferred to consideration in connection with new housing legislation.

f. *Effective date.* Section 221 of the House bill provides that the bill is effective immediately. The Senate bill is preferable in that it provides necessary time for the assignment of responsibility and for the drafting of regulations for direct Federal programs. Time will also be required in order to make adjustments between existing relocation systems and the new system authorized by the legislation.

g. *Interest free loans for housing studies.* Section 215 would authorize the administering Federal agency to make or approve loans to a variety of organizations for the purpose of meeting preliminary expenses of providing replacement housing. Fragmented management and inefficient organization would result from having every agency separately undertaking this type of activity.

h. *Transfer of surplus property.* Section 218 would authorize the Administrator of General Services to transfer surplus property without monetary consideration to State agencies for the purpose of providing replacement housing. While the Congress has authorized special write-downs for land to be used for low cost housing, the 100 percent donation authorized here is excessive and unnecessary because the bill provides adequate reimbursement of expenses.

i. *Displacement by a specific program.* Section 219 contains a special provision for the relief of individuals who have been (or may be) displaced from certain property acquired and held by the Post Office Department in the City of New York. This is special legislation and has no place in general legislation, the major purpose of which is uniformity. This provision should be deleted from the bill, and the subject should be considered separately.

j. *Mortgage penalty costs.* Both the House and Senate versions of S. 1 provide that the head of the acquiring Federal agency shall reimburse the owner for penalty costs for prepayment of preexisting mortgages. The House bill, however, fails to provide that such reimbursement may be made only if such mortgage is on record on the date of the official announcement of the project. Experience has shown this safeguard which is in the Senate bill is workable and necessary.

k. *Instituting formal condemnation proceedings.* Section 301(8) of the House bill provides that if any interest in real property is to be acquired by the exercise of the power of eminent domain, the head of the Federal agency shall institute formal condemnation proceedings. The heads of Federal agencies do not institute such proceedings, except in the case of the Tennessee Valley Authority, where they request the Attorney General to institute such proceedings. This subject is better dealt with in Section 301(a)(10) of the Senate bill.

l. *Litigation expenses.* Section 304(c) would provide that in any action brought against the United States for the recovery of just compensation for the taking of any interest in real property where it is determined that such taking occurred without a tender of compensation to the plaintiff or that the just compensation exceeds the amount tendered before the institution of the action, the United States shall be liable for all the expenses of court costs, including attorneys' fees, appraisal and engineering fees actually incurred. This provision is highly objectionable as it would result in all cases of this type going to court. The usual situation of this type takes place when a Government action inadvertently floods or in some other way takes property which was not expected to be taken in the project. At the time the Government becomes aware of the fact that it has taken the property, the agency usually makes an offer or seeks funds so that it can buy. If court costs would be reimbursed in every such case, the owner would always sue for a higher amount and no cases would be settled out of court.

II. In addition to the above, there are a number of other items which are major differences of a kind which should warrant a conference.

a. *Judicial review and finality of determinations.* The Senate version of S. 1 would apply the administrative procedure and judicial review provisions of the APA to all determinations under this bill. The House bill omits this and, in addition contains in section 102, a finality of determination provision which would preclude judicial review of any determinations under titles II and III, including a preclusion against raising any violation of the proposed Act as a defense in any court.

b. *Definition of displaced person.* The House bill would limit the status of displaced person to those who move as the result of the acquisition of, or written notice to vacate, real property. The Senate version would provide a broader definition which includes those who move as the result of acquisition or reasonable expectation of acquisition.

c. *Construction of replacement housing.* The House version of S. 1 would provide for construction of replacement housing by any displacing Federal agency, if suitable replacement housing cannot otherwise be made available. The Senate bill does not contain a similar authorization.

Mr. PERCY. As I understand it, it would have been far more desirable for us to have perfected this legislation by having a conference. However, the time involved is simply inadequate and the House refused a conference on this particular legislation. The desire of the mayors, Governors, and many branches of the Federal Government is so great that I think the legislation should be enacted at this time, and the two points the House agreed to accept, I think, are good modifications.

I recommend that we now pass this legislation. We must take into account that in the final analysis the decision ultimately has to be made by the White

House when legislation comes before the President for signature. There is a possibility the President might veto the legislation, but because of the lateness of the hour I believe this is the best we could do and I recommend that the legislation pass with these amendments.

Mr. MUSKIE. I thank the Senator from Illinois, who has been concerned with this matter from the beginning. There are differences between the view of the Senate and the view of the House, involving modest increases in moving and dislocation expenses, but I think these increases reflect increases in the cost of living that have taken place since the bill was first taken up. I hope the administration will undertake to accept the bill. It has taken us two Congresses to move the legislation to this point. This is important legislation and we should accept it as such and move on from this base which has been so long in establishment.

Mr. COOPER. Mr. President, as a member of the Public Works Committee, I have studied and interested myself over a long period of time with the problems relating to the diverse land acquisition policies of the Federal Government and the need for uniformity.

During this period I was constantly made aware of the efforts of the senior Senator of Alabama to remedy this situation.

Senator SPARKMAN's interest in this matter arose particularly out of his concern for the problems of small businesses and individuals displaced by urban renewal and other Federal and federally assisted projects. These problems had come to his attention as chairman of the Senate Select Committee on Small Business and through his work on the Small Business and Housing Subcommittees of the Banking and Currency Committee.

I believe it would be appropriate to recall the constructive approach of Senator SPARKMAN in his early proposals and his recognition of the problems with which S. 1 deals. To that end, I ask unanimous consent that the statements he made on January 30, 1961, when he introduced S. 671 be included in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

COMMISSION TO STUDY COMPENSATION FOR LAND CONDEMNED UNDER FEDERAL PROGRAMS

Mr. SPARKMAN. Mr. President, in recent years the Federal Government has instituted programs under which millions of acres of land have been acquired from private owners. While much of the land has been acquired by purchase, a great deal has been acquired through condemnation proceedings; and in the cases in which voluntary sales were effected, the threat of condemnation proceedings was in the background.

These Federal programs include some in which Federal agencies use the land directly—for example, in the military programs; in other cases, the land is owned by State or local agencies—for example, in most road programs; and, in other cases, the land may be resold for private use—for example, in the urban renewal program. But regardless of these differences in the purpose of the taking or the use to which the land is put, the individual or business dispossessed or otherwise affected by the acquisition suffers the same loss.

Probably the biggest acquisition program has been that of the military. I am advised that in 1940, the War and Navy Departments used about 2½ million acres of land. By the close of the war, these two Departments had the use of 52 million acres—about equal in size to Kansas or Utah.

By June 30, 1955, the land used for military purposes by the Army, the Navy, the Air Force, and the AEC, amounted to more than 23 million acres—about the size of Indiana, Virginia, Kentucky, or Tennessee. Other Federal programs have acquired or are acquiring substantial amounts of land.

In the urban renewal program under title I of the Housing Act of 1949, the first 400 projects have called for the clearance of about 15,000 acres, not including streets and alleys. Unlike much of the land used for military programs, these 15,000 net acres are located in urban areas, and consist mostly of developed land. The Federal highway programs also call for the acquisition of large areas; including both expensive developed land in cities, and farmland and wasteland outside cities. For the Interstate Highway System, \$621 million—of which the Federal share will be \$418 million—is authorized for the acquisition of rights-of-way during the fiscal year 1959. Under the regular Federal highway programs, \$126 million—of which the Federal share will be \$65 million—is authorized for acquisition of rights-of-way during the fiscal year 1959. Other Federal programs, such as the public works programs, involve the acquisition of large areas.

The acquisition of land in this volume is very different from the Federal acquisition of land during the 19th century, or even during the 20th century, up to World War II. The problems created when, under Federal programs, thousands of acres of land is acquired in rural areas, or scores of acres are acquired in developed urban areas, are different, both in kind and in degree, from the problems created in earlier days, when Federal acquisitions of land amounted merely to taking enough land for the construction of a post office, an arsenal, or even an army post. And the problem becomes particularly acute when an urban-renewal project cleans out an entire section of town—the houses, stores, office buildings, movie theaters, banks, churches, and all other structures.

The Banking and Currency Committee has heard testimony which has set forth in dramatic detail the problems facing businesses, both large and small, which have been wiped out by urban-renewal projects or by Federal highway projects. Three bills on this subject have been introduced: S. 1340, by Senator HUMPHREY; S. 1351, by Senator BEALL; and S. 1777, by Senator CLARK and Senator JAVITS, which would provide for loans to small business concerns affected by the highway and urban-renewal programs.

The problem, of course, is not limited to small businesses or to these two Federal programs. The problem affects all sizes of business, and it affects all Federal programs under which land is acquired—particularly, of course, when the land acquisitions are very extensive. It was, I think, for this reason that the Banking and Currency Committee did not take action on any of these three bills in connection with either the small business legislation or the housing legislation.

It seems to me the question is a matter of much broader concern, and one which basically goes back to the requirement of the fifth amendment to the Constitution that private property shall not be taken for public use without just compensation.

Over many years, this constitutional requirement has been spelled out in judicial decisions and in statutes within the framework of the constitutional requirement. For the most part, this occurred before acquisitions of land by the Federal Government were substantial or had drastic effects upon

wide areas. As I have said, there is a difference in kind, as well as a difference in degree, between acquiring enough land for a Federal office building, or even acquiring the Federal Triangle, and acquiring a square mile of city land for an urban-renewal project or acquiring a whole valley for the purpose of flooding it in connection with the construction of a dam.

It is because of this change in the nature and the effect of land acquisitions under Federal programs, either by condemnation or under threat of condemnation, that I think it desirable to make a thorough and impartial study of condemnation under Federal programs. This study should be under the highway program, under public works programs, under urban-renewal programs, under military programs, and any other Federal programs. It should also be broad enough to cover all the effects of land acquisition, including its effects on owners, on tenants, and on nearby property and businesses. The study should be made in the broad spirit of the just-compensation provision of the fifth amendment. It should not be limited to a determination of the legal bounds of that provision or of any particular statute. Instead, it should cover the broader subject of the extent to which the cost of Federal programs is paid by individuals or firms whose property is taken or whose property or business is either destroyed or is reduced in value by the taking of neighboring property, and the extent to which it would be feasible and proper to compensate these individuals and firms for the losses they suffer by reason of the Federal program.

Accordingly, I introduce a bill which would establish a bipartisan Federal Commission on Property Condemnation Compensation, to consist of 15 members, 7 to be appointed by the President, 4 to be appointed by the Vice President, and 4 to be appointed by the Speaker. The Commission would make a thorough study of compensation in connection with the condemnation of land, and would file a report with the Congress by December 31, 1961.

In introducing this bill, I do not, of course wish to take the position that any particular judicial awards have been either too high or too low; nor do I wish to take the position that any condemnation statute now on the books needs to be amended. But the testimony, which has been presented to the Banking and Currency Committee, on the effects on individuals and businesses of the widespread land acquisitions under Federal programs convinces me that this matter should be thoroughly reviewed.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2802) to provide for a comprehensive study of the disposition of claims for just compensation for persons affected by the acquisition of property by the United States or under Federal programs through condemnation proceedings or otherwise, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

PENSION AND COMPENSATION PAYMENTS

Mr. HARTKE. Mr. President, in connection with H.R. 15911, to amend title 38 of the United States Code to increase the rates, income limitations, and aid and attendance allowance relating to payment of pension and parents' dependency and indemnity compensation; to exclude certain payments in deter-

mining annual income with respect to such pension and compensation; to make the Mexican border period a period of war for the purposes of such title; and for other purposes, that the Senate reconsider its agreement to the committee amendment, the engrossment of the amendment, the third reading of the bill and the passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill is before the Senate.

Mr. HARTKE. My request, Mr. President, seeks to do justice for the veterans, widows, and children in this country who are receiving a pension. Since the current pension program was enacted in 1960 the Senate has supported the concept that a veteran, widow, or child should not lose part of his pension as a result of social security increases. On three occasions this body has acted to prevent veterans, widows, and children from taking a loss in pension because social security payments were raised.

During my recent campaign I was contacted by a great many individual veterans and leaders of veterans organizations expressing concern that if action was not taken many veterans, widows, and children would take a loss, beginning January 1, 1971, in their pensions as a result of the social security rate increases enacted earlier this year. Since the House had already passed a bill which protects these pensioners from taking a loss in pension because of social security rate increases, I felt that I was in a position to offer assurances that the Congress would act on this occasion as it has on three past occasions and protect veteran pensioners from a loss. I now find that the bill before us does not offer such protection, and the amendment which I am offering is designed to correct this situation.

I would like to make it clear that not only is it necessary that we act to protect veteran pensioners from loss because of the social security rate increase, but this action is necessary to rectify losses which have already occurred in the pensions of many veterans who have received an increase recently in retirement annuities such as civil service retirement, railroad retirement, union pensions, and many other public and private pensions. It should be made clear that the House bill in no way creates a windfall for veterans, widows and children. It takes care of the social security and other pension increases but at the same time is completely justified on the basis of cost-of-living changes. Since 1960 there have been three increases voted by Congress for pensioners. Since January 1, 1969, when the last pension increase became effective, there has been an 11.1 percent increase in the cost-of-living index. My motion provides for an average increase of \$7.47 a month for pensioners, or an average increase of 9.5 percent. These pension increases will barely cover cost-of-living changes since the last raise.

By contrast, Mr. President, the bill which we have before us deals adversely with over 600,000 veterans, widows, and children. It is true that under the legislation we are considering some would get an increase, but not enough to stay abreast with current cost-of-living

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12. AGRICULTURAL PROGRESS. Senator Dole commented on the USDA Corn Blight Conference and inserted the remarks of the President. pp. S20703-4.
13. GRAZING FEES. Senator Cannon announced his opposition to the increase in grazing fees on public lands. p. S20725.

HOUSE

14. REDWOOD NATIONAL PARK. Committee on Ways and Means reported, with amendment H.R. 14873 relating to the income tax treatment of just compensation received from the U.S. with respect to property taken under the act of the Congress which established the Redwood National Parks (H. Rept. 91 - 1786). p. H12128.
15. FOOD STAMPS. Disagreed to the amendment of the Senate to H.R. 18582 to amend the Food Stamp Act of 1964, and agreed to the conference asked by the Senate; conferees appointed. p. H12046.
16. RELOCATION ASSISTANCE. Agreed to the Senate amendments to the House amendment on S.1, proposed Relocation and Acquisition Policies Act. This bill now goes to the President. pp. H12045-6
17. RIVERS, HARBORS, AND FLOOD CONTROL. Agreed to the conference report on H.R. 19877; clearing the measure for Senate action. pp. H12047-53.
18. HIGHWAYS. Agreed to the conference report on H.R. 19504 to authorize appropriations for the construction of certain highways. Sent to the Senate for further action. H. 12053-7
19. COFFEE. Passed with amendment H.R. 19567 to continue until September 30, 1973, the International Coffee Agreement Act of 1968. pp. H12085-91.
20. D.C. REVENUE. Conferees agreed to file a report on the differences between the Senate-and House-passed versions of H.R. 19885. p. D1299.
21. RESEARCH FACILITIES. Received a report from the Director of Science and Education, USDA, on USDA assistance for FY 1970 to the states in providing additional facilities for research at the State agricultural experiment stations, pursuant to section 10 of P.L. 88-74; to the Committee on Agriculture. p. H12128

EXTENSIONS OF REMARKS

22. FOOD PRICES. Rep. Zwach referred to American families spending less of their take-home pay for food while the farmers' share of the consumer food dollar is falling. p. E10473.
23. CONSERVATION. Rep. Wyatt commented on the great strides in conservation made by the Department of the Interior in the last two years, and inserted an Interior press release. p. E10476.
24. AGRICULTURAL RESEARCH. Rep. Eilberg inserted a speech given by Dr. Russell E. Larson, Dean of the College of Agriculture and Director of the Agricultural Experiment Station at Penn. State. pp. E10478-80.
25. LAND USE. Rep. Udall discussed the major importance to the nation of the bill sponsored by Sen. Jackson to expand the Water Resources Planning Act, to provide for a national land use planning policy. pp. E10480-1
26. 4-H CLUBS. Rep. Edmondson referred to the numerous honors conferred on the Oklahoma representatives to the National 4-H Club Congress. p. E10482
27. NATIONAL PARKS. Rep. Hansen placed in the Record an article from the Washington Post on National Park Service rangers. pp. E10505-6
28. FOREIGN TRADE; MUSHROOMS. Rep. Yatron discussed the impact of imported mushrooms and inserted an FAS report. pp. E10512-3.
29. SUGAR ACT. Sen. Young called attention to a speech by Sen. Curtis commenting on the Sugar Act extension in 1971. pp. E10513-4
30. LAND-GRANT FUNDS.. Rep. Nelsen inserted a letter from the president of the Washington Technical Institute on the use of land-grant funds. pp. E10514-5, E10516

ing). Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, I object.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. RARICK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Evidently a quorum is not present.

Mr. EDMONDSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 428]

Abbitt	Foley	O'Neal, Ga.
Adair	Foreman	Ottinger
Addabbo	Fraser	Patman
Alexander	Friedel	Pepper
Anderson, Ill.	Gallagher	Pike
Ashbrook	Glaime	Podell
Ashley	Gibbons	Powell
Ayres	Gilbert	Price, Tex.
Berry	Goldwater	Pryor, Ark.
Biaggi	Green, Oreg.	Purcell
Blackburn	Griffiths	Quillen
Blanton	Grover	Reifel
Bolling	Hagan	Reuss
Brock	Halpern	Rivers
Brooks	Hansen, Wash.	Rogers, Colo.
Brown, Calif.	Hébert	Rosenthal
Brown, Mich.	Heckler, Mass.	Rostenkowski
Burke, Fla.	Hunt	Roudebush
Burton, Utah	Jarman	Ruppe
Bush	Kee	Sandman
Button	Kleppe	Scheuer
Celler	Kluczynski	Shipley
Chisholm	Kuykendall	Sikes
Clancy	Landrum	Snyder
Clark	Langen	Steed
Clay	Leggett	Stephens
Collins, Ill.	Long, La.	Taft
Conyers	Lowenstein	Thompson, N.J.
Cowger	Lukens	Tunney
Cramer	McClure	Ullman
Daddario	McCulloch	Vigorito
Daniels, N.J.	McKneally	Waldie
Delaney	Mathias	Watson
Derwinski	May	Weicker
Diggs	Meskill	Wilson, Bob
Donohue	Mills	Wilson,
Dowdy	Mize	Charles H.
Downing	Montgomery	Winn
Edwards, Calif.	Moorhead	Wold
Edwards, La.	Morton	Wolff
Fallon	Moss	Wylder
Farbstein	O'Konski	Young
Fascell	Olsen	

The SPEAKER. On this rollcall 306 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Clerk will read. The Clerk proceeded to read the Journal of the proceedings of yesterday.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 429]

Abbitt	Farbstein	Ottinger
Adair	Foley	Patman
Addabbo	Fraser	Phillbin
Alexander	Friedel	Pike
Ashbrook	Fuqua	Podell
Ashley	Gilbert	Powell
Aspinall	Green, Oreg.	Price, Tex.
Ayres	Griffiths	Purcell
Berry	Grover	Quillen
Biaggi	Hagan	Reifel
Blackburn	Halpern	Reuss
Blanton	Hébert	Rivers
Bolling	Heckler, Mass.	Rogers, Colo.
Brock	Hosmer	Rooney, N.Y.
Brooks	Hunt	Rostenkowski
Brotzman	Ichord	Roudebush
Brown, Calif.	Jarman	Ruppe
Brown, Mich.	Kee	St Germain
Burke, Fla.	Kleppe	Sandman
Burton, Utah	Kluczynski	Schneebeli
Button	Kuykendall	Shipley
Cabell	Landrum	Sikes
Celler	Langen	Snyder
Chappell	Long, La.	Springer
Chisholm	Lujan	Staggers
Clancy	Lukens	Steiger, Ariz.
Clark	McClure	Stephens
Clay	McCulloch	Stokes
Collins, Ill.	McKneally	Taft
Conyers	McMillan	Teague, Tex.
Cowger	MacGregor	Thompson, N.J.
Cramer	Mathias	Tunney
Daddario	May	Ullman
Delaney	Meeds	Waldie
Dent	Meskill	Watson
Derwinski	Michel	Weicker
Diggs	Mize	Whalen
Donohue	Montgomery	Wilson, Bob
Dowdy	Morton	Wilson,
Downing	Mosher	Charles H.
Edwards, Calif.	Moss	Winn
Edwards, La.	Murphy, Ill.	Wold
Eilberg	Nelsen	Wolff
Esch	O'Konski	Wylder
Evins, Tenn.	Olsen	Young
Fallon	O'Neal, Ga.	

The SPEAKER. On this rollcall, 297 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Clerk will read the Journal.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. ALBERT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, would it be the plan to call up this bill (H.R. 19446) this week?

Mr. ALBERT. The distinguished chairman of the Committee on Education and Labor is here. Would the gentleman yield to him for the purpose of answering the question.

Mr. GROSS. Yes; of course.

Mr. PERKINS. I have already communicated with the distinguished gentleman from Iowa that it would not be my purpose to call this bill up this week. I know that it is very controversial, and there is so much other legislation here that we should get to immediately.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Journal of the proceedings of yesterday was approved.

UNIFORM RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES ACT OF 1969

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 1) to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs, with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment as follows:

Page 4, of the House engrossed amendment, strike out lines 10 to 17, inclusive, and insert:

"EFFECT UPON PROPERTY ACQUISITION"

Page 4, line 18, of the House engrossed amendment, strike out "(b)" and insert "Sec. 102. (a)".

Page 4, line 21, of the House engrossed amendment, strike out "(c)" and insert "(b)".

On Page 4, line 24, of the House engrossed amendment, strike out "on" and insert "immediately prior to".

Page 12, lines 1 and 2, of the House engrossed amendment, strike out ", to the extent that can reasonably be accomplished,".

Page 12, line 10, of the House engrossed amendment, after "employment" insert ", except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived".

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. DON H. CLAUSEN. Mr. Speaker, reserving the right to object, would the gentleman explain the Senate amendments so that we can have a full understanding of what is taking place?

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I am happy to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The substance of the amendments added to the House bill by the Senate can be stated in about 1 minute.

In the first place, the Senate strikes out language which they thought operated to limit judicial review. They make it quite clear as to any eminent domain or condemnation case that there would be full judicial review afforded. I believe it is agreeable to both sides, insofar as the committee is concerned, to accept this amendment.

They also strike from the House-passed bill the word "on" and substitute "immediately prior to" for clarifying purposes.

They also strike out the phrase "to the extent that can reasonably be accomplished." By that amendment, I believe, they make even more certain the requirement that there be relocation housing available before people are dis-

placed from their homes by a Federal land-taking action.

The final amendment is that they add:

Except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived.

That is to provide for an emergency situation of very critical nature, a defense requirement that was very critical or something of that sort.

I believe the overall effect of the Senate amendments is to make a better bill. I believe the Senate has in that sense clarified a point or two which needed clarification, and I believe the House should concur in the Senate amendments.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding. I want to compliment the managers on the part of the House for bringing up this bill in this manner. In view of their content, strengthening, germaneness, and lack of additional cost, it simply expedites our business.

I agree with both the gentleman from California and the gentleman from Oklahoma who have conferred with me about this. It takes the rights of the individuals who are not "willing sellers" into greater consideration and assures of them of proper relocation before the right of eminent domain is enforced on them. This is important in areas where there have been sudden condemnations for additional land rather than using some of the 34 percent of the land acreage of the United States that the Federal Government already has under its control.

I compliment the committee, and I appreciate the gentleman yielding to me.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to make a final comment that this legislation is the culmination of some 7 years of work on the part of the Committee on Public Works. It has brought about what I think will be one of the most significant pieces of legislation advanced in this Congress. Having served on the original Select Subcommittee on Real Property Acquisition that held hearings prior to the advancement of this bill.

I want it known that we Republican members of the minority support the position taken by the committee unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 18582, FOOD STAMP ACT OF 1964

Mr. DE LA GARZA. Mr. Speaker, by direction of the Committee on Agriculture, I ask unanimous consent to take from the Speaker's table the bill (H.R. 18582) to amend the Food Stamp Act of 1964, as amended, with a Senate amendment

thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. POAGE, McMILLAN, ABERNETHY, ABBITT, BELCHER, TEAGUE of California, and WAMPLER.

CONFERENCE REPORT ON H.R. 380 TO REPEAL SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

Mr. HALEY submitted the following conference report and statement on the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968):

CONFERENCE REPORT (H. REPT. NO. 1785)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the Act of August 9, 1946 (60 Stat. 968), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text and title of the bill, and agree to the same with an amendment as follows: In lieu of the text inserted by the Senate amendments insert the following: That section 7 of the Act of August 9, 1946 (60 Stat. 968), is amended to read as follows:

"SEC. 7. (a) A person who is not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), if, while the decedent's estate is pending before the Examiner of Inheritance, the Yakima Tribes pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in Trust for the Yakima Tribes.

"(b) On request of the Yakima Tribes the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

"(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Yakima Tribes shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a)."

"SEC. 2. The provisions of section 7 of the Act of August 9, 1946, as amended by this Act, shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed."

JAMES A. HALEY,
ED EDMONDSON,
JOHN P. SAYLOR,

Managers on the Part of the House.

HENRY M. JACKSON,
PAUL J. FANNIN,

Managers on the Part of the Senate.

STATEMENT ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes between the two Houses on the amendments of the Senate to the bill, H.R. 380, to repeal section 7 of the Act of August 9, 1946 (60

Stat. 968), submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

A 1946 statute prohibits the inheritance of trust or restricted land on the Yakima Reservation by anyone who is not an enrolled member of the Tribe, with one-fourth degree or more of Yakima blood, subject to a limited exception in the case of a surviving spouse.

H.R. 380 as passed by the House repealed that provision, and allowed the inheritance of land to be controlled by local law, which is the situation that exists on all other Indian reservations.

The Senate amendment leaves the existing law in effect, but adds an exception that permits a non-Yakima heir to inherit if the Tribe fails to pay him for his interest in the land. In other words, the non-Yakima heir is entitled either to the land or its value in money, and the choice rests with the Tribe.

The language agreed upon incorporates the substance of the Senate amendment, but revises the language to:

(1) Delete an open ended appropriation authorization to buy land within the Reservation.

(2) Delete an open ended authority for the Secretary to reopen probate cases after they are closed.

(3) Give the Tribe title to the land for which it pays.

(4) Remove an internal conflict in the language used.

Although the language agreed upon still provides for the Yakima Reservation a rule of inheritance that is different from the rule that applies on all other reservations, the special rule will correct the inequities that previously existed, and should meet the needs of the Indians concerned.

JAMES A. HALEY,
ED EDMONDSON,
JOHN P. SAYLOR,

Managers on the Part of the House.

COMMUNICATION FROM COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the Committee on Public Works, which was read and, together with the accompanying papers, referred to the Committee on Appropriations:

WASHINGTON, D.C.
December 17, 1970.

HON. JOHN W. MCCORMACK,
The Speaker, U.S. House of Representatives,
the Capitol, Washington, D.C.

MR. DEAR MR. SPEAKER: Pursuant to the provisions of Section 201 of Public Law 89-298, the Committee on Public Works of the House of Representatives on December 15, 1970, adopted Committee resolutions authorizing the following water resources development projects:

Black River Harbor, Alcona County, Mich.
Calcasieu River, Devils Elbow, La.
Central and southern Florida small boat navigation.

Corpus Christi Beach, Tex.
Delaware Bay-Chesapeake Bay Waterway, Delaware, Maryland, and Virginia.
Dunkirk Harbor, N.Y.
East River, N.Y.
Edgartown Harbor, Mass.
Frenchboro Harbor, Maine.
Geneva-on-the-Lake, Ohio.
Humboldt Harbor, Alaska.
Lee County, Fla.
Ludington Harbor, Mich.
Mobile Harbor, Ala.

New Jersey coastal inlets and beaches; Great Egg Harbor Inlet and Peck Beach; Corson Inlet and Ludlam Beach; Townsend Inlet, and Seven Mile Beach.

Ottawa River Harbor, Mich. and Ohio.

From the Office of the Senate
Subcommittee on Intergovernmental Relations
Committee on Government Operations
Room 357, Old Senate Office Building
Washington, D. C. 20510

FOR IMMEDIATE RELEASE
December 17, 1970

MUSKIE HAILS PASSAGE OF UNIFORM RELOCATION ACT

Senator Edmund S. Muskie (D-Maine) said today that Congressional passage of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 means there will finally be a standard to ensure fair treatment of people displaced by Federal projects.

Senator Muskie, chairman of the Senate Subcommittee on Intergovernmental Relations, said that the legislation passed today had been refined and strengthened by House action. He added that now it "will be possible to get to the heart of the dislocation problem by providing the means to increase the housing supply for displaced persons, and especially for low and moderate income families and individuals who faced the Federal bulldozer."

The Act provides for relocation payments to those displaced by Federal and federally assisted programs and a uniform policy on real property acquisition practice for all Federal and federally assisted programs.

In addition, it provides for advisory assistance and the assurance that comparable housing will be made available to displaced persons before displacement. Economic adjustments and other assistance is also provided by the Act.

Passage of the bill, S. 1, "climaxes a long, hard fight which began in 1961 with a Congressional study of the problem," Mr. Muskie added.

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Public Law 91-646
91st Congress, S. 1
January 2, 1971

An Act

84 STAT. 1894

To provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

Uniform Relocation Assistance and Land Acquisition Policies Act of 1970.

TITLE I—GENERAL PROVISIONS

SEC. 101. As used in this Act—

Definitions.

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202(a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202(a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display

or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

EFFECT UPON PROPERTY ACQUISITION

SEC. 102. (a) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of value or of damage not in existence immediately prior to the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$300; and a dislocation allowance of \$200.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a) (1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of \$15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgagee, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed \$4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203(a)(1)(C)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed \$4,000, except that if such amount exceeds \$2,000, such person must equally match any such amount in excess of \$2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived;

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c) (3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the pro-

gram or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, and are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first \$25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisition will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE OF FEDERALLY ASSISTED PROGRAM; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first \$25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first \$25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING
FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by

Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

Presidential
report to
Congress.

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited

dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

68A Stat. 3.
26 USC 1
et seq.
49 Stat. 620.
42 USC 1305.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

63 Stat. 414;
68 Stat. 622.
42 USC 1450
et seq.
80 Stat. 1255.
42 USC 3301
note.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

63 Stat. 377.
40 USC 471
note.

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled “An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes,” approved May 29, 1958 (43 U.S.C. 1231-1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled “An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes”, approved October 6, 1964 (78 Stat. 1004; Public Law 88-629; D.C. Code 5-729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chapter 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90-495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

72 Stat. 152.

76 Stat. 384.

76 Stat. 511.

78 Stat. 305.

78 Stat. 788.

78 Stat. 795.

79 Stat. 486.

80 Stat. 1259.

82 Stat. 830.

23 USC 501.

82 Stat. 835.

23 USC 501

note, 510

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EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

BUILDINGS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of a Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property such sum as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

62 Stat. 933;
Ante, p. 449.
68 Stat. 1241.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

84 STAT. 1907

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

79 Stat. 485.
82 Stat. 836.
74 Stat. 502.

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

Approved January 2, 1971

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1656 (Comm. on Public Works).

SENATE REPORT No. 91-488 (Comm. on Government Operations).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Oct. 23, 27 considered and passed Senate.

Vol. 116 (1970): Dec. 7, considered and passed House, amended.

Dec. 17, Senate agreed to House amendments with amendments.

Dec. 18, House concurred in Senate amendments.



